

THE FEDERAL INTERAGENCY REENTRY COUNCIL

A Record of Progress and a Roadmap for the Future



President Barack Obama holds a discussion with incarcerated men at El Reno Federal Correctional Institution in El Reno, Oklahoma, July 16, 2015. (Official White House Photo by Pete Souza)



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Letter from the Co-Chairs

As co-chairs of the Federal Interagency Reentry Council, we are pleased to present this report on behalf of the Council's member agencies. The Department of Justice first convened the Council in 2011, in an effort to engage a wide range of federal agencies in developing and advancing innovative and comprehensive approaches to reentry. Over the last five years, this collaboration of more than 20 agencies has worked relentlessly to expand the range of tools that the government uses to ensure that individuals returning to the community from prison or jail have a meaningful chance to rebuild their lives and reclaim their futures. With the Presidential Memorandum of April 29, 2016 that formally establishes the Reentry Council, President Obama has acknowledged the successes of this productive partnership so far, and positioned the Council to continue its work in the years ahead.

All too often, returning citizens face enormous barriers that endure long after they have paid their debts to society – and with over 600,000 individuals released from federal and state prisons every year, societal choices about how we treat reentering individuals will have far-reaching implications for all of us. Without effective reentry policies, we risk perpetuating cycles of violence, victimization, incarceration and poverty in our neighborhoods. We risk wasting the potential of millions of Americans whose past mistakes continue to exclude them from the chance to contribute to their communities. That's why the Reentry Council is dedicated to expanding access to the key building blocks of a stable life – employment, education, housing, healthcare, and civic participation – to give formerly incarcerated individuals a second chance and to create stronger and safer communities for all.

The Council has made important progress towards these goals, developing comprehensive strategies to address the breadth of issues related to reentry. Together, we are opening doors to higher education and meaningful employment for justice-involved individuals. We are creating a fairer housing market and connecting those returning from prison with healthcare and treatment. And we are investing in promising reentry programs in states and localities all over the country.

Though we have come a long way in the last five years, there is still much work left to do. The Presidential Memorandum marks an exciting new chapter in our sustained commitment to improving outcomes for returning citizens. This report – mandated within 100 days of the issuance of the Presidential Memorandum – highlights achievements to date and focuses on the road forward. In this next phase of our work, we will chart a course for implementation, ensuring that the Council's efforts continue to guide the field in the months and years to come.



Attorney General Loretta Lynch and White House Domestic Policy Council Director Cecilia Muñoz co-chair a Reentry Council meeting on July 6, 2016. Also pictured (from left): Reentry Council Executive Director Amy Solomon, Senior Advisor to the President Valerie Jarrett, Department of Transportation Secretary Anthony Foxx, and Consumer Financial Protection Bureau Director Richard Cordray. (Photo: Department of Justice)

Of course, the path ahead will not be without obstacles, and the ambitious plan we've laid out will take time to implement. But as this report demonstrates, the Reentry Council and our partners nationwide have made a firm commitment to the millions of Americans touched by the criminal justice system. We want all Americans to have a fair chance to live up to their full potential, to engage with their families and communities, and to reach for a bright future that is not defined by their past mistakes. And through the strength of our collective efforts, we are one step closer to ensuring that every American leaving prison is truly able to come home.



Loretta E. Lynch
Attorney General
United States Department of Justice



Cecilia Muñoz
Director
White House Domestic Policy Council

Executive Summary

Each year, more than 600,000 individuals are released from state and federal prisons,¹ and 11.4 million people cycle through local jails.² In addition, a broader population – roughly one in three American adults – has an arrest record,³ mostly for relatively minor, non-violent offenses, sometimes from decades in the past.⁴ The long-term, sometimes lifelong, impact of a criminal record will keep many qualified people from obtaining employment and accessing housing, higher education, loans and credit – even after they have paid their debt to society and are unlikely to reoffend. In fact, research shows that people who stay out of trouble for just a few years post-arrest are largely indistinguishable from the general population in terms of their odds of being arrested in the future.⁵ Further, pro-social activities such as employment, education, and civic engagement – the very things that people with criminal records are often barred from participating in – reduce recidivism.⁶

To address these large-scale issues, the members of the [Federal Interagency Reentry Council](#) have been working together since 2011 to reduce recidivism and improve outcomes related to employment, education, housing, health, and child welfare. Comprised of more than 20 federal agencies, the Reentry Council coordinates and leverages existing federal resources; dispels myths and clarifies policies; elevates programs and policies that work; and reduces the policy barriers to successful reentry. The Council was recognized in a 2014 [GAO report](#) as one of four model interagency collaborations, and the Council's collective work at the federal level has set a positive example for many states and localities, several of which have started similar councils.

On April 29, 2016, President Obama issued a [Presidential Memorandum](#) that formally established the Reentry Council to help ensure the federal government continues this important work. This report responds to the directive in that memorandum, providing a review of the Council's accomplishments and a roadmap for its future.

“America is a Nation of second chances.... Providing incarcerated individuals with job and life skills, education programming, and mental health and addiction treatment increases the likelihood that such individuals will be successful when released.

And removing barriers to successful reentry helps formerly incarcerated individuals compete for jobs, attain stable housing, and support their families. All of these are critical to reducing recidivism and strengthening communities.”

President Barack Obama
Presidential Memorandum on
Promoting Rehabilitation and
Reintegration of Formerly
Incarcerated Individuals
April 29, 2016



President Barack Obama greets incarcerated individuals prior to a discussion at El Reno Federal Correctional Institution in El Reno, Oklahoma, July 16, 2015. (Official White House Photo by Pete Souza)

The mission of the Reentry Council is to make communities safer by reducing recidivism and victimization; to help those who return from prison and jail to become productive citizens; and to save taxpayer dollars by lowering the direct and collateral costs of incarceration. The Reentry Council advances policies and programs that connect justice-involved persons with meaningful educational and employment opportunities, with access to health care and a safe place to live, so that motivated individuals – who have served their time and paid their dues – are able to contribute to their communities.

In its first five years, the Reentry Council has accomplished the following:

» **Removed barriers to employment for people with criminal records.** The Equal Employment Opportunity Commission (EEOC) issued [guidance](#) regarding the appropriate use of arrest and conviction records in employment decisions under [Title VII of the Civil Rights Act of 1964](#). Building on the EEOC framework, the Department of Labor (DOL) issued [guidance](#) to American Job Centers (one-stops) and a [directive](#) to federal contractors outlining obligations regarding the use of criminal records as an employment screen. The Office of Personnel

Management (OPM) published a “Ban the Box” proposed rule change to delay inquiries into criminal history for most federal jobs until after a conditional offer of employment has been made. And the White House launched a [Fair Chance Business Pledge](#) to engage employers in this movement. The Small Business Administration (SBA) expanded its [Microloan eligibility](#) rules, and DOL and the Department of Justice (DOJ) issued grants to strengthen employment readiness among the reentry population. The Federal Trade Commission (FTC) continues to provide education to businesses and job seekers on the use of [background checks](#) in employment.

- » **Expanded access to correctional education.** Building on the findings of a [groundbreaking study](#) that showed correctional education programs reduce recidivism, boost employment, and save taxpayer dollars, the Department of Education (ED), in collaboration with DOJ, expanded correctional education resources and reentry programs in various ways. ED and DOJ released joint guidance on correctional education and co-invested in adult and juvenile reentry efforts to bridge the gap between institution and community-based education and support services. ED launched the [Second Chance Pell](#) pilot program, allowing an estimated 12,000 eligible incarcerated Americans to receive Pell Grants and pursue postsecondary education with the goal of helping them get jobs and support their families when they are released. ED also issued the [Beyond the Box Resource Guide](#) and, in concert with the White House, the [Fair Chance Higher Education Pledge](#), encouraging institutions of higher education to consider criminal history information at a later stage of the admissions process and within the appropriate context.
- » **Reduced barriers to housing.** The Department of Housing and Urban Development (HUD) issued breakthrough policy clarifications illustrating the misconceptions around HUD rules governing access to public housing for people with criminal records. HUD then issued important [guidance](#) regarding the use of arrest records in determining who can live in HUD-assisted housing, as well as [fair housing guidance](#) that explains when barriers to housing for those with criminal records may violate the anti-discrimination provisions of the Fair Housing Act.
- » **Increased access to health care coverage and physical and behavioral health services.** The Department of Health and Human Services (HHS) has facilitated access to health care coverage and services for justice-involved populations who have disproportionately high rates of chronic, infectious and behavioral health conditions. The watershed coverage expansion enacted in the [Affordable Care Act](#), as well as recent [Medicaid guidance](#), is poised to improve public health and safety.
- » **Launched new efforts to address record-cleaning and related legal aid.** HUD and DOJ awarded first-time [Juvenile Re-entry Assistance Program](#) grants to help eligible youth who live in public housing, or have family members who live in public housing, to expunge or seal their records so that they can access employment and education opportunities. DOL and DOJ will soon launch a [National Clean Slate Clearinghouse](#) to provide technical assistance to help with record-cleaning, expungement, and other means of mitigating the effects of criminal records.

- » **Informed the public discourse.** The Reentry Council developed fact sheets such as the [Reentry Myth Busters](#) and supported events such as the White House [Champions of Change](#) convenings that highlight key reentry issues including improving outcomes for children of incarcerated parents and expanding employment opportunities for justice-involved individuals. DOJ also designated the week of April 24-30, 2016, as National Reentry Week and agencies across the Administration participated in over 550 events around the country.
- » **Created direct and centralized access to critical information that is often hard to find.**
 - The Department of Veterans Affairs (VA) developed the [Veterans Reentry Search Service](#) (VRSS), which quickly and systematically identifies incarcerated individuals with a record of military service so that reentry planning and connection to VA services can begin early. VRSS is now active in 214 jurisdictions across 30 states and the District of Columbia.
 - The Social Security Administration (SSA) and HHS created dedicated reentry webpages within existing federal websites on topics such as [Social Security benefits](#) and [child support modification](#).
 - The Council also supports (in collaboration with the National Reentry Resource Center) an [interactive map](#) identifying the federal reentry grants in every state and a one-stop [webpage](#) for funding opportunities.
- » **Established new staff positions to support and institutionalize reentry efforts.** DOJ designated Prevention and Reentry Coordinator positions in every U.S. Attorney's Office to provide ongoing support for reentry and crime prevention

"Every year, more than 600,000 individuals come back to our neighborhoods after serving time in federal and state prisons and another 11.4 million individuals cycle through local jails. Those are extraordinary numbers and they represent a tremendous amount of potential. Sometimes the sheer size of these numbers, however, blunts our sensibilities to what they truly represent: people. Every number is a person. Behind every person is a family and surrounding every family is a community. These are people who could contribute to our economy, who could support their families and who could transform their communities into better places to live. If we are truly going to make the most of this precious resource, this human capital, we must ensure that these individuals have the tools and the skills and the opportunities they need to return to their communities not just as residents, but as leaders; equipped not only to survive, but to succeed. We must ensure that our returning brothers and sisters, mothers and fathers – our fellow Americans – can truly return home."

**Attorney General
Loretta Lynch,
Speech in NY on April 7, 2016**

efforts throughout the country. The Federal Bureau of Prisons (BOP) created a new [Reentry Services Division](#), led by a newly-established assistant director position.

» **Engaged directly impacted communities.** DOJ selected and on-boarded its inaugural [Second Chance Fellow](#), Daryl Atkinson. Because those directly affected by the criminal justice system hold significant insight into reforming the system, DOJ designed this position to bring in a person who is both a leader in the criminal justice field and a formerly incarcerated individual. Mr. Atkinson serves as a colleague to the members of the Reentry Council, an advisor to DOJ's Bureau of Justice Assistance (BJA) Second Chance Act programs, and as a conduit to the broader justice-involved population.

While the Reentry Council has made progress removing barriers to successful reentry, hundreds of thousands of formerly incarcerated individuals continue to struggle to access many of these opportunities. Such barriers accrue for citizens and communities alike, feeding joblessness and economic inequality in addition to inhibiting successful reintegration. Despite the Reentry Council's substantial headway, there is still a long way to go before the policies it has helped to change and clarify are fully understood and implemented, and before its resources are fully utilized.

Focus on the Future: Implementation, Training, and Communication

The Reentry Council's focus is on the implementation of the important policy changes that federal agencies have put forward. We must promote awareness of these policies, initiatives, and training materials, and ensure that those resources reach the communities that need them most. In the body of this report we lay out specific agency actions – development of training, technical assistance, and strategic communications – to ensure federal staff, as well as state, local, and community stakeholders, are aware of the tools available to them, and are using them to implement

Reentry Council representatives meet with criminal justice leaders who were once incarcerated, October 20, 2014. (Photo: Department of Justice)



robust reentry policies and programs. Taken together, these actions will further increase access to employment, education, health, housing, and other necessary support services; reduce recidivism; and save taxpayer money.

For example, Reentry Council agencies have created strong guidance, rules, and resources designed to increase access to **employment**, addressing hiring practices both within the federal government and in the private sector. Our goal moving forward is to continue working across the public and private sector to reduce unnecessary employment barriers and improve workforce outcomes for those with prior justice involvement. Our next step is to develop a concerted strategy to educate and train our federal regional and field staff on these resources, provide technical assistance and training opportunities, review and analyze state-level occupational licensing requirements, and ultimately expand the number of employers who use fair chance hiring practices. The Reentry Council will also work with consumer reporting agencies to develop best practices for improving the accuracy of criminal records.

To increase meaningful access to **education**, we have created new opportunities to fund education and training for incarcerated individuals, and encouraged institutions of higher education to be deliberate in how they consider criminal and disciplinary history questions during their admissions process. The goal of these efforts is to ensure that all returning individuals can gain the knowledge, training and skills needed to obtain employment and transition successfully into their communities. Next steps will focus on implementing the reentry education pilot sites, providing enhanced technical assistance to states in implementing the juvenile correctional education guidance, leveraging additional resources made available through the Workforce Innovation and Opportunity Act (WIOA), and disseminating lessons learned from the reentry education toolkit and grants.

With respect to **healthcare**, we have made significant progress in improving access to health coverage and services, including treatment for behavioral health issues that are all too prevalent in the justice-involved population. Our goal is to improve the health outcomes of formerly incarcerated individuals while improving the public health and safety of our communities. We now need to ensure that states are strengthening collaboration and coordination between public health and corrections. To that end, DOJ and HHS will work with states to ensure that Medicaid, Marketplace, and corrections officials are prepared to draw on available options for connecting justice-involved individuals to health care coverage and services so that state leaders can take meaningful steps to reduce state spending, improve health outcomes for this population, and reduce recidivism. Reentry Council agencies are also funding research to track the effects of health care coverage and utilization on recidivism rates and health outcomes.

In the realm of **housing**, we have highlighted states' and localities' broad discretion to shape their own policies and identified some best practices from Public Housing Authorities around the country. Goals include ensuring that returning individuals have access to housing, a fundamental



Attorney General Eric Holder chairs the first Reentry Council meeting, January 5, 2011. (Photo: Department of Justice)

building block of a stable life. Next steps include providing training and technical assistance to HUD field staff to ensure that the new guidance – and best practices – are well understood and implemented. HUD will establish a network of field office points of contact and a quarterly communication vehicle in the fall of 2016.

To support the **children and families** of incarcerated people, we have launched new funding opportunities to provide mentoring and other services directly to children and youth who have incarcerated parents; developed resources for incarcerated parents to help them connect with their children; and encouraged service providers and law enforcement to consider the unique needs of this population and tailor their approach to support them. The goal of these ongoing initiatives is to ensure that children are not negatively impacted by a parent's incarceration. Going forward, we will use our available resources – as well as the bully pulpit – to lift up and share successful efforts and continue developing model policies and practices that can be implemented at the state and local level. For example, DOJ recently launched a \$1 million effort to support the development of model family-strengthening policies that prisons and jails can adopt in order to reduce the traumatic impact of parental incarceration on children.

While membership in the Reentry Council is limited to federal agencies, we have benefited greatly from engaging stakeholders from across the country. Since its inception, the Reentry Council working group has held stakeholder calls, meetings, and listening sessions. Indeed, many of our policy deliverables and the policy solutions highlighted in this report are a direct outgrowth of recommendations from the field. Most notably, the proposed federal Ban the Box rule grew out of a national movement initially launched by directly-impacted communities.⁷ Other policies stem from collaboration with other Administration initiatives, such as the President's My Brother's Keeper Task Force.

The emphasis on policy implementation and state and local adoption in this strategic plan reflects the feedback that we have received from non-federal stakeholders. This report – and the commitments that stand behind it – marks an important step towards ensuring that the Council's policies, programs, and resources are widely understood, felt, and used in communities around the country.

The Reentry Council strives for safe and healthy communities where the bonds among residents are strong and everyone has the opportunity to succeed. If we want people to be able to support themselves and their families, pay their taxes, and contribute to their communities, it is essential that we provide them with a path back to full citizenship and civic participation. The mission, the goals, the policies, and the action plan the Reentry Council lays out in this report are presented in service of this vision.

Participating Departments and Agencies

Chaired by the Attorney General and the Director of the White House Domestic Policy Council, the Federal Interagency Reentry Council brings together representatives from across the federal government. Over the last five years, the Council has grown to include the heads of the following agencies:

- » Department of Agriculture;
- » Department of Commerce;
- » Department of Education;
- » Department of Energy;*
- » Department of Health and Human Services;
- » Department of Homeland Security;*
- » Department of Housing and Urban Development;
- » Department of the Interior;
- » Department of Justice;
- » Department of Labor;
- » Department of Transportation;*
- » Department of the Treasury;*
- » Department of Veterans Affairs;
- » Corporation for National and Community Service;
- » Council of Economic Advisers;*
- » Office of Management and Budget;
- » Office of National Drug Control Policy;
- » Office of Personnel Management;
- » Small Business Administration; and
- » White House Domestic Policy Council.

* Denotes new Reentry Council agencies per the Presidential Memorandum

The Presidential Memorandum establishing the Council also invites representatives from the Consumer Financial Protection Bureau, the Court Services and Offender Supervision Agency, the Equal Employment Opportunity Commission, the *Federal Communications Commission, the *Federal Deposit Insurance Corporation, the Federal Trade Commission, the Internal Revenue Service, and the Social Security Administration to participate in Reentry Council activities relevant to their missions, statutory authorities and legal obligations. In addition, the White House Office of Faith-Based and Neighborhood Partnerships and the U.S. Interagency Council on Homelessness have been valuable contributors to the Reentry Council from the start.

The co-chairs may also invite members of the judicial branch, including representatives of the United States Probation and Pretrial Services System and Federal Public Defender Organizations, to attend and participate in meetings of the Reentry Council.

Reentry Council meeting on May 10, 2012. (Photo: Department of Justice)



Introduction

On April 29, 2016, President Obama issued a Presidential Memorandum to officially establish the Federal Interagency Reentry Council with a mandate to promote the rehabilitation and reintegration of individuals returning to their communities from prison or jail. Reentry Council agencies across the federal government have been working together since 2011 to expand opportunities and reduce barriers for justice-involved people, supporting second chances for those who have paid their debt to society. The Memorandum formalizes this government collaboration and calls for the Council to produce a federal strategic plan within 100 days, outlining a vision for creating safer communities by reducing recidivism and victimization, helping formerly incarcerated individuals become productive citizens, and reducing the direct and collateral costs of incarceration to save taxpayer dollars. Answering the President's call to action, this report serves both to highlight the achievements of the Reentry Council to date and to define its path forward.

"While the people in our prisons have made some mistakes – and sometimes big mistakes – they are also Americans, and we have to make sure that as they do their time and pay back their debt to society that we are increasing the possibility that they can turn their lives around."

**President Obama,
Speech at the NAACP
Convention, July 14, 2015**



Reentry and the Road Home: A Conversation with Attorney General Lynch, Secretary Tom Perez, Secretary Julián Castro, and Secretary John King. The event was held at the Center for American Progress and moderated by Department of Justice Second Chance Fellow Daryl Atkinson, June 24, 2016. (Photo: Department of Housing and Urban Development)

The report begins with an overview of the criminal justice system, which situates reentry within the context of the broader national conversation regarding justice system reform. The next section summarizes the priorities and accomplishments of the Reentry Council. The report then addresses the key areas targeted by the Reentry Council: employment, education, healthcare and related support services, housing, collateral consequences, and children of incarcerated parents. For each of these topics, the report summarizes the challenges, reviews the Council's progress to date, and, most importantly, lays out next steps. The report concludes with a list of resources for the field.

What is Reentry and Why is it Important?

Reentry is the transition from incarceration – life in prison, jail, or juvenile justice facilities – to life in the community. Each year roughly 600,000 individuals return to our neighborhoods after serving time in federal or state prisons⁸ and 11.4 million people cycle through local jails.⁹ Nearly everyone who goes to jail and approximately 95 percent of persons in state or federal prison will eventually return home.¹⁰ Although returning to the community may be inevitable, successful reentry and reintegration are not. Recidivism studies reveal that two out of every three people released from state prison are rearrested for a new offense and about half return to prison within three years.¹¹ When reentry fails, the social and economic costs are significant – higher crime, more victims, increased family distress, and greater strain on state and municipal budgets.

In addition, a much broader population, between 70 and 100 million adults, have a criminal record on file – approximately one in three U.S. adults.¹² This record often serves as a barrier to full civic participation, even if the person was never incarcerated or in many cases, arrested but never convicted. For these individuals, the term “reentry” may not be entirely accurate; however, many of the same strategies apply to facilitate access to employment, education, housing and civic engagement.

The impact of reentry is far-reaching.

- » **Individuals.** Even after an individual exits the criminal justice system, the collateral consequences of a criminal record can be significant. Having a criminal record can make it more difficult for a person to access employment, education and housing. Job applicants with a criminal record are 50 percent less likely than their peers without a record to receive an interview request or a job offer, even with identical resumes and qualifications.¹³ Formerly incarcerated people earn about 40 percent less than their counterparts with no histories of incarceration, creating long-term barriers to career advancement and financial stability.¹⁴ As employment and earnings potential decrease, access to social safety net programs may also decline. Many states restrict eligibility for housing, nutrition assistance, and other benefits for individuals with records.

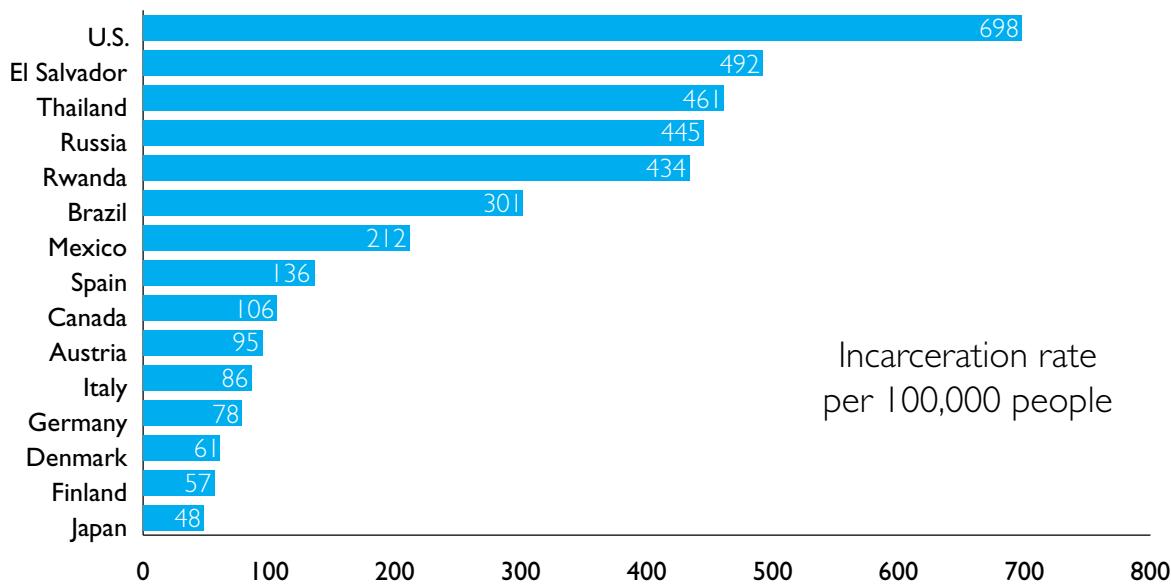
- » **Families.** Some 2.7 million children, or one in 28 children nationwide, currently have an incarcerated parent.¹⁵ For African American youth, the rate is one in nine.¹⁶ Recent research based on the National Survey of Children's Health found that more than five million children, or roughly seven percent of all kids in the U.S., have had a residential parent incarcerated at some point in their lives.¹⁷ Paternal incarceration is linked to increased housing instability, food insecurity, behavioral problems, and poor physical and mental health outcomes for children and their mothers.¹⁸
- » **Communities.** The rise in incarceration rates has not been evenly distributed across communities. Instead, the phenomenon has disproportionately affected poor and minority communities, creating geographic concentrations of over-incarceration that perpetuate social exclusion, marginality, and racial inequality. For example, the Justice Mapping Center's National Atlas of Sentencing and Corrections found that in New York City, neighborhoods that are home to 18 percent of the city's adult population account for more than 50 percent of prison admissions.¹⁹ In such concentrated urban areas, coined "million dollar blocks," the state spends over a million dollars a year to incarcerate residents of a single city block.²⁰ In neighborhoods that are missing many of their working age men and women, incarceration can be both a symptom and a cause of poverty.
- » **Federal, state and local budgets.** The U.S. spends more than \$80 billion annually on corrections at the federal, state and local level; and real expenditures on the criminal justice system in its entirety total over \$265 billion.²¹ The high cost of incarceration directly impacts states' abilities to fund other needed services and programs in the community, creating a cycle of community disinvestment. At the same time, the underemployment and unemployment of working-age adults with criminal records has reduced GDP by an estimated \$78 billion to \$87 billion annually.²² Recognizing this full cost of incarceration, combined with the broad impact of collateral consequences, the White House Council of Economic Advisors (CEA) has concluded that over-incarceration fails a basic cost-benefit analysis.²³ Policies that improve labor market opportunity and educational attainment are more cost-effective than incarceration, create stronger families and communities, can reduce the collateral consequences of convictions, and decrease recidivism.²⁴

Who is in the criminal justice system and how did we get here?

To understand the significance of reentry and its implications for individuals, families, and communities, it is important to grasp the size and scope of the American criminal justice system. The rate of incarceration in the United States (690 per 100,000 in 2014)²⁵ is among highest in the world.²⁶ Recent estimates from the Bureau of Justice Statistics (BJS) indicate that at yearend 2014, a total of 6.9 million people were under the jurisdiction of the U.S. criminal justice system: 1.56 million were incarcerated in state and federal prison, 744,600 were incarcerated in local jails, and another 4.7 million people were on probation or parole supervision.²⁷

Put in a global perspective, the U.S. is home to less than five percent of the world's population, yet accounts for more than 20 percent of its prisoners.²⁸ The country's incarceration rate is five to 10 times greater than that in Western European and other democracies. As documented by the National Research Council in their landmark report, *The Growth of Incarceration in the United States: Exploring Causes and Consequences*, the escalation of incarceration over the past 40 years is "historically unprecedented and internationally unique."²⁹

INTERNATIONAL INCARCERATION RATES, 2015

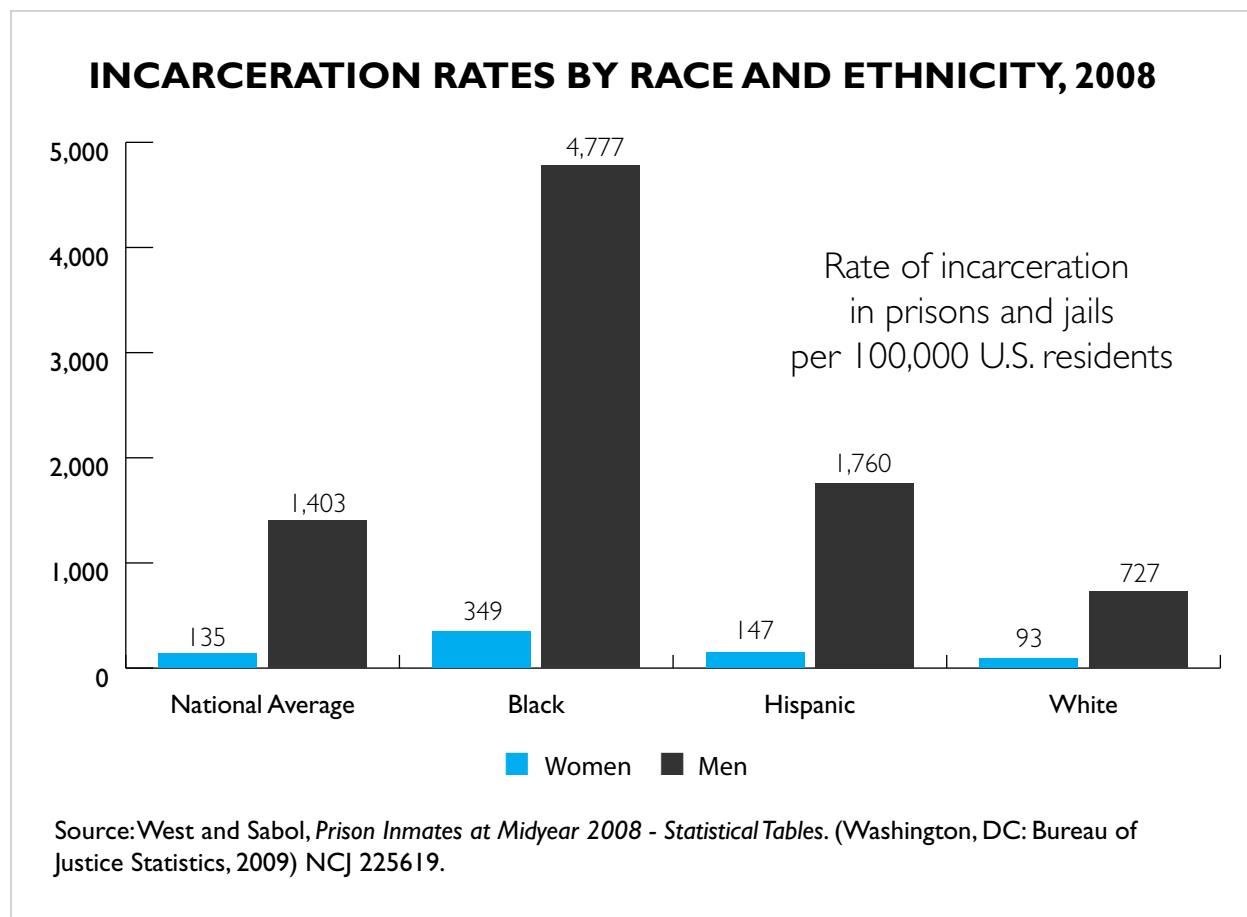


Source: Walmsley, R, *World Prison Population List*, World Prison Brief (London, UK: Institute for Criminal Policy Research, October 2015).

Demographics

The U.S. prison population is overwhelmingly male. Women make up only about seven percent of the state and federal prison population.³⁰ But while there are many more incarcerated men than women, the female incarceration rate has risen at twice the pace of men in the past several decades.

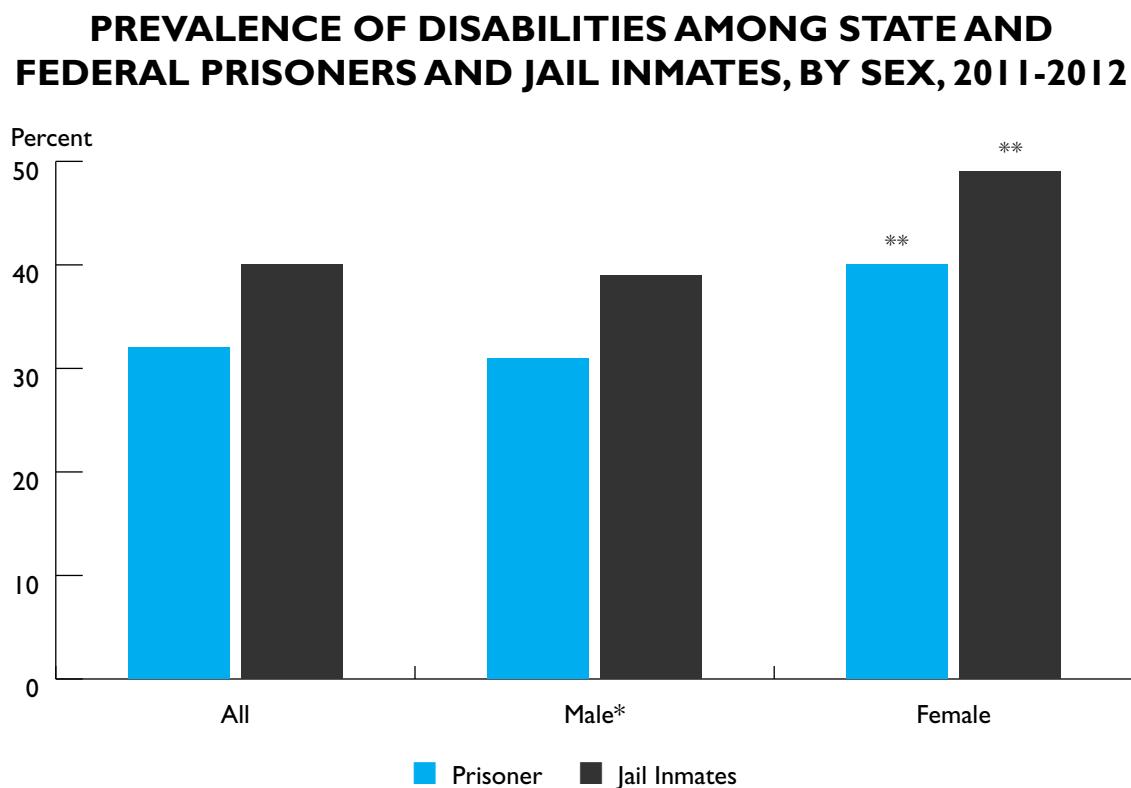
Rates of incarceration are disproportionately high for racial and ethnic minorities. African Americans and Latinos collectively represent 30 percent of the U.S. population, but make up more than half the prison population.³¹ In 2008, the rate of incarceration for black men in prison or jail was 4,777 per 100,000 persons – six times higher than the rate for white men and nearly two and a half times higher than the rate for Hispanic men.³² This disparity exists at all parts of the justice system. People of color – black youth in particular – are more likely than whites to be arrested, and they receive longer sentences for the same offenses.³³ American Indians are also incarcerated at higher rates than the general population. At mid-year 2009, tribal, local, federal, and state authorities incarcerated American Indian or Alaska Natives (AI/AN) at a rate 25 percent higher than the overall national incarceration rate.³⁴



More than half of people in the justice system are parents. Roughly 52 percent of the state prison population and 63 percent of the federal prison report having children and roughly half report having lived with their children prior to their incarceration.³⁵ Over half indicate that they were the primary source of financial support for their children prior to their incarceration.

Challenges

Individuals in the criminal justice system have disproportionately high rates of substance use disorders and serious physical and mental health conditions. Half of individuals in state or federal prison reported ever having a chronic condition such as asthma, heart disease, or diabetes, making them roughly one and a half times more likely to have a chronic condition than the general



Note: Disability types include hearing, vision, cognitive, ambulatory, self-care, and independent living.

*Comparison group.

**Difference with comparison group is significant at the 95% confidence level.

Sources: Bureau of Justice Statistics, National Inmate Survey, 2011-12. Jennifer Bronson and Marcus Berzofsky, *Disabilities Among Prison and Jail Inmates, 2011-12*, Special Report. (Washington, DC: Bureau of Justice Statistics, December 2015), NCJ 249151.

population.³⁶ More than half of those incarcerated also have a psychiatric disability, defined as exhibiting symptoms or receiving a clinical diagnosis or treatment by a mental health professional.³⁷ Those in local jails have the highest prevalence of mental health conditions, with nearly two-thirds (64.2 percent) meeting the criteria for a psychiatric disability currently or in the previous year.³⁸ Furthermore, as many as 15.3 percent of all people in jail in the United States report having experienced homelessness in the year prior to incarceration.³⁹

More than half (53 percent) of all state prisoners and 45 percent of all federal prisoners meet the DSM-IV criteria for drug dependence.⁴⁰ In addition, an estimated 32 percent of prisoners and 40 percent of those incarcerated in jails report having at least one disability (hearing, vision, cognitive, ambulatory, self-care, and independent living) – a rate of three to four times that in the general population.⁴¹ Many of these conditions are co-occurring, further complicating treatment regimens and reentry experiences.

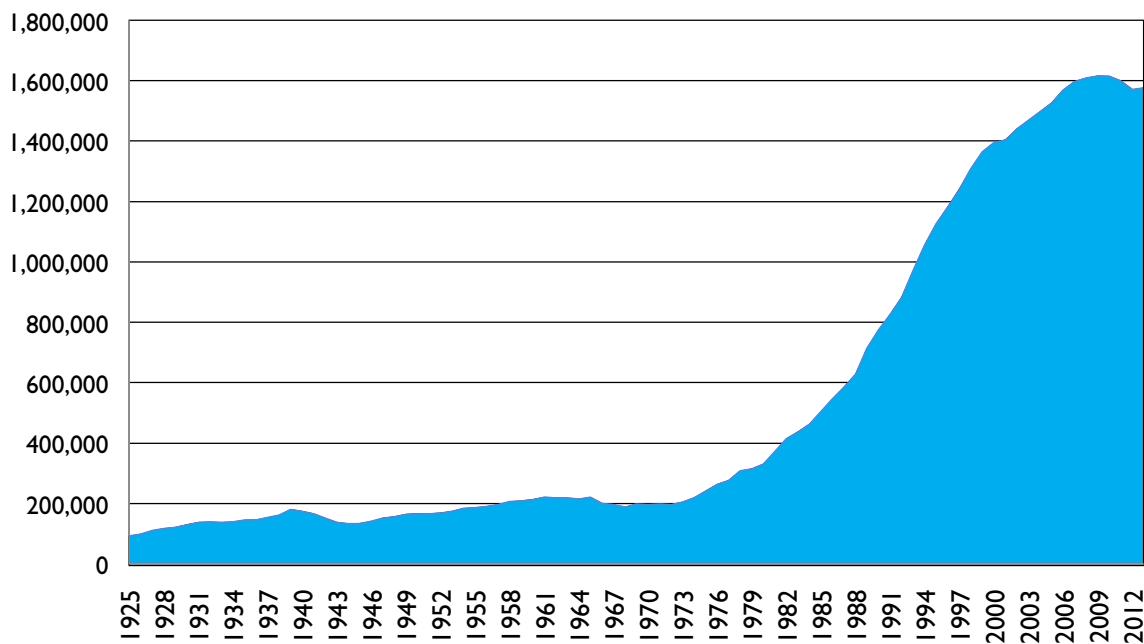
In addition to their increased risk of substance use disorder and mental health conditions, individuals in the criminal justice system have also experienced high incidence of trauma and victimization. Extensive research has shown that exposure to violent victimization, abuse, neglect and other forms of trauma is a risk factor for involvement with the criminal justice system, and that many persons involved in the system have such histories or experiences but have often received no victim services or trauma-informed interventions to help them cope with the consequences.⁴²

Key drivers behind incarceration rates

Incarceration rates in the U.S. have not always been this high. In 1970, slightly more than 300,000 people were incarcerated in state and federal prisons and local jails – a rate of about 160 per 100,000 U.S. residents.⁴³ By 2014, the incarceration rate had reached 690 per 100,000 U.S. residents of all ages. This represents a five-fold increase in the number of prison and jail inmates, with nearly 1.6 million people in state and federal prison and about 745,000 in local jails.⁴⁴ While many factors have contributed to this vast expansion of the criminal justice system, most criminal justice researchers attribute the increase to a series of policy decisions that influenced who was incarcerated and for how long.

A multitude of societal forces and perspectives helped lead to the adoption of public policies that fueled the expansion of the justice system: changing economies and the lack of meaningful work for those without formal education; perceived lawlessness associated with the anti-war and civil rights movements; the de-institutionalization of people with mental health conditions without building alternative community-based mental health treatment options; the defunding of social services; an approach to substance use disorders as a criminal justice – not a public health – issue; and a rise in crime in the 1980s and 1990s.⁴⁵ Taken together, these and other societal changes created a perfect

U.S. STATE AND FEDERAL PRISON POPULATION



Source: Bureau of Justice Statistics, "Prisoners" Series. (Washington, DC: Bureau of Justice Statistics, 1925-2013), <http://www.bjs.gov/index.cfm?ty=pbse&sid=40>.⁴⁷

storm. At all levels of government, lawmakers passed “tough-on-crime” laws to increase sentence lengths and reduce access to rehabilitative programming, and called for increased enforcement of certain types of crimes – most notably, drug crimes, particularly in poor urban communities.⁴⁶

As the incarcerated population continued to grow, jails and prisons changed and the opportunities for rehabilitation dwindled. Programs designed to encourage reintegration and skill-building gradually declined. College programs that had been offered in prison were shuttered by the ban on Pell Grant eligibility (included as an amendment to the 1994 Violent Crime Control and Law Enforcement Act) while other kinds of trainings and opportunities were subject to budget cuts. Other services were considered “coddling” and often eliminated, while the use of more punitive approaches to incarceration and incapacitation, such as solitary confinement, grew.⁴⁸ Simultaneously, jails and prisons took on new burdens to address societal issues previously outside the purview of the criminal justice system, particularly those related to poverty and lack of access to adequate health care. These included the treatment of substance use disorders, unaddressed trauma, psychiatric disabilities, and chronic and infectious diseases.⁴⁹

Expansion of collateral consequences

At the same time that the justice system was expanding, both the federal and state governments adopted policies to exclude people with criminal records from systems of support, means for advancement, and opportunities for second chances. For justice-involved individuals, it became increasingly difficult to access employment, education, mental and behavioral health services, housing, social services, public benefits, and occupational licenses. Known as “collateral consequences,” these barriers persist long after an individual has served his or her sentence. The impact of collateral consequences is far-reaching, as entire communities can be burdened when a sizeable number of residents are unable to attain higher education or living-wage employment, which research has shown to be correlated with reduced recidivism.⁵⁰

Bipartisan reforms

With a growing recognition of the costs and repercussions of over-incarceration, many policymakers, researchers, advocates and lawmakers from across the political spectrum agree on the need for comprehensive criminal justice reform.⁵¹ Thirty states are now part of the [Justice Reinvestment Initiative \(JRI\)](#), an effort to help states re-think the way they manage and allocate criminal justice populations and funds. By implementing effective and cost-efficient criminal justice practices, states are generating savings that can be reinvested in evidence-based strategies to further increase public safety. Through JRI, various states have successfully reduced prison populations, limited construction of new prisons, prioritized prison space for those serving sentences for serious crimes, implemented requirements for community-based alternatives, reduced sentences to time served, and improved recidivism outcomes through targeted evidence-based interventions. A broad national snapshot shows that most states have experienced reductions in their prison populations, at the same time as crime rates declined.⁵²

Collateral Consequences: A Definition

“Collateral consequences are the penalties, disabilities, or disadvantages imposed upon a person as a result of a criminal conviction, either automatically by operation of law or by authorized action of an administrative agency or court on a case by case basis. Collateral consequences are distinguished from the direct consequences imposed as part of the court’s judgment at sentencing, which include terms of imprisonment or community supervision, or fines. Put another way, collateral consequences are opportunities and benefits that are no longer fully available to a person, or legal restrictions a person may operate under, because of their criminal conviction.”

**American Bar Association,
Collateral Consequences Project:
<http://abacollateralconsequences.org>**

Additionally, 24 states and over 100 cities and counties have adopted a policy widely known as “ban the box,” requiring employers to consider a job candidate’s qualifications before inquiring about his criminal history.⁵³ While “ban the box” policies traditionally impact only public employers, nine states have expanded the policy to apply to private employers as well.⁵⁴ Other states have pushed to expand access to social safety net programs for individuals with criminal records. For example, in 2016 Alabama became the 19th state to waive the federal eligibility ban in order to allow individuals with felony drug convictions to receive Supplemental Nutrition Assistance Program (SNAP) benefits (food stamps). And in 2016 both Maryland and Virginia took steps to reinstate voting rights for people with past felony convictions who have completed their sentences.

Unleashing untapped human potential by investing in smarter programs, policies, and systems

To maintain our status as a global economic leader, our nation must connect the more than 70 million Americans who have a criminal record with opportunities to develop their human capital. Effective reentry policies not only lower recidivism and future victimization, but also save government resources – which can then be reinvested in our nation’s most disadvantaged communities and in the human potential of people who have paid their debt to society and now want to contribute to their communities. Since 2011, Reentry Council agencies have coordinated and leveraged federal resources to develop programs, policies, and systems that will unleash the untapped potential of people with criminal records. These efforts, described below, remove barriers and create new opportunities for people who have paid their debt to society and now stand ready to contribute to their communities.

“At this critical juncture – this moment of rare bipartisan agreement – it is more important than ever that we harness this momentum and continue to push forward, so that every American returning from prison can find dignified work and adequate shelter; so that they can receive fair treatment and full opportunity; so that they return to a society that values them as fellow citizens; so that they can, in fact, truly return home.”

**– Attorney General
Loretta Lynch, Speech in
Washington, DC,
December 16, 2015**

"Seventeen years ago I left prison, like many of the 600,000 people released from federal and state institutions each year, full of excitement and trepidation. On the day of my release, my mother and stepfather rented a vehicle, a Lincoln town car, to pick me up. At the time I did not give much thought to the gesture because I was solely concerned with leaving that place as quickly as possible. A few years later, I asked my stepfather why they went to the trouble of renting a luxury vehicle, something more suited for a trip to the senior prom, to pick me up from a maximum security prison. His response was that they wanted to make some sort of grand gesture to truly welcome me home. Over the years, they continued to offer support in both tangible and intangible ways including providing food, clothing and shelter; helping to fund my college education, and never solely defining me by my past mistakes. In sum, their collective efforts illustrate what I think of as a "Second Chance culture," a deep sustained investment into my future success as a son and a father; a lawyer, a church deacon, and now as the Second Chance Fellow at the Department of Justice."



Department of Justice Second Chance Fellow
Daryl Atkinson participates in a reentry
roundtable at the Suffolk County House of
Corrections in Boston, January 13, 2016.
(Photo: Suffolk County Sheriff's Department)

**Daryl Atkinson,
Second Chance Fellow,
Department of Justice**

The Federal Interagency Reentry Council

Overview

First launched by Attorney General Eric Holder in January 2011, the Federal Interagency Reentry Council brings together federal agencies from across government to: (1) make communities safer by reducing recidivism and victimization; (2) help those returning from prison and jail become productive citizens; and (3) save taxpayer dollars by lowering the direct and collateral costs of incarceration.

Over the last five years, Reentry Council agencies have worked together to align and advance reentry efforts across the federal government with an overarching aim to not only reduce recidivism and high correctional costs, but also to improve public health, child welfare, employment, education, housing and other key reintegration outcomes. Comprised of more than 20 federal agencies, the Council's approach is focused on: coordinating and leveraging existing federal resources that are targeted to reentry; using the bully pulpit to dispel myths, clarify policies, and provide visibility to programs and policies that work; and reducing the policy barriers to successful reentry, so that motivated individuals – who have served their time and paid their dues – are able to compete for jobs, attain stable housing, support their children and their families, and contribute to their communities.

Reentry Council agencies have made substantial progress toward these goals:

Coordinating and Leveraging Existing Federal Reentry Resources

Recognizing the complex set of challenges facing individuals leaving the criminal justice system – securing housing, employment, and health care, among others – a number of Reentry Council agencies have dedicated funding streams to support reentry activities.⁵⁵ With reentry funding awarded competitively and in high demand, Reentry Council agencies have worked together closely to improve alignment, coordination and transparency.

“America works best when we field a full team, but far too many people who have been involved with the criminal justice system are being left on the sidelines.”

**Labor Secretary Tom Perez,
News Release on
June 24, 2016**

Early on, the Reentry Council agencies inventoried the scope of federal resources devoted to reentry. From this analysis, the National Reentry Resource Center, funded by BJA, developed an [interactive map](#) that identifies the federal reentry funding streams and grant awards in each state. This publicly available tool allows both federal staff and local stakeholders to easily locate reentry resources in their jurisdictions and coordinate at the local level. Agencies also share reentry funding announcements and technical assistance opportunities via the National Reentry Resource Center [funding page](#).

Reentry Council agencies are also coordinating programmatic and research efforts, thereby increasing the use of evidence-based practices being employed across the federal government. This collaborative approach allows agencies to draw on the diverse expertise of Reentry Council members and consider a range of disciplines when developing interventions. For example, interventions focused on employment and reentry are increasingly informed by both the recidivism reduction literature and workforce development best practices.⁵⁶

Using the Bully Pulpit to Clarify Policies and Provide Visibility to Programs and Policies that Work

The Reentry Council is committed to using a public education platform and the voice of our leaders to advance the reentry agenda, dispel myths, clarify policies, and provide visibility to programs and policies that work. Council agencies developed more than two dozen “[Reentry Myth Busters](#)” – fact sheets designed to clarify existing federal policies that affect formerly incarcerated individuals and their families in areas such as public housing, nutrition assistance, employment, parental rights, Medicaid suspension/termination, voting rights and more. The Myth Busters can help individuals, states, and reentry organizations develop a better understanding of federal laws and regulations, correcting misconceptions that can create unnecessary barriers for reentering individuals.⁵⁷ The Reentry Myth Busters are all available online at the [National Reentry Resource Center](#), which hosts a full range of reentry resources, including the [What Works in Reentry Clearinghouse](#), a one-stop shop for research on reentry programs and practices.

The Council is also working to raise public awareness through initiatives like the White House Reentry Champions of Change events, stakeholder listening sessions, and employer roundtables. And this spring, DOJ designated the week of April 24-30, 2016, as National Reentry Week. During the inaugural National Reentry Week, DOJ and Reentry Council agencies sponsored over 550 events designed to improve reentry outcomes and raise awareness of the importance of successful reentry. U.S. Attorneys' Offices alone hosted over 200 events, and BOP facilities held more than 370 events. State, local, and nonprofit agencies engaged as well, with events taking place in all 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands. An After Action Report summarizes these activities and highlights the announcements and new resources that were introduced over the course of the week.

Reducing Policy Barriers to Successful Reentry

The Reentry Council has enacted a wide range of policy changes that reduce barriers to employment, education, healthcare, and housing for those with a criminal record.

The EEOC issued [guidance](#) regarding the appropriate use of arrest and conviction records in employment decisions under Title VII of the Civil Rights Act of 1964. HUD issued [fair housing guidance](#), explaining when barriers to housing for those with a criminal record violate the anti-discrimination provisions of the Fair Housing Act. The SBA expanded its [Microloan eligibility](#) rules, and the DOJ [directed](#) all of its components to take collateral consequences into account when proposing any new regulation or guidance. OPM proposed a “[Ban the Box](#)” rule change, which modifies the hiring process for many federal jobs by delaying inquiries into an applicant’s criminal history until after a conditional offer is made. ED, in collaboration with DOJ, launched the [Second Chance Pell pilot program](#) allowing an estimated 12,000 eligible incarcerated Americans to receive Pell Grants and access postsecondary education and training programs. And HHS issued new [Medicaid guidance](#) to assist states in facilitating access to healthcare coverage and treatment for certain justice-involved populations, who disproportionately experience mental health and substance use disorders.

A Model for Enduring Collaboration

The Council was recognized in a 2014 [GAO report](#) as one of four model federal interagency collaborations, and the Council’s collective work at the federal level has served as a model for many states, several of which have started similar councils. On April 29, 2016, President Obama issued a [Presidential Memorandum](#) that formally establishes the Reentry Council to ensure that the federal government continues this important work.



Attorney General Loretta Lynch speaks in Philadelphia during National Reentry Week, April 25, 2016. (Photo: Department of Housing and Urban Development)

“If we can reduce recidivism by helping motivated individuals successfully reenter society, we can reduce crime across the country – and make our neighborhoods better places to live, work and raise our children.”

Attorney General Loretta Lynch, Speech in NY on April 7, 2016



Attorney General Eric Holder meets with criminal justice stakeholders, December 19, 2013. Also pictured: Assistant Attorney General Karol Mason, Director of the Federal Bureau of Prisons Charles Samuels, Bureau of Justice Assistance Director Denise O'Donnell, Deputy Assistant Attorney General Mary Lou Leary (now Deputy Director at the Office of National Drug Control Policy), and Senior Advisor Amy Solomon.
(Photo: Department of Justice)

Actions to Date, Objectives, and Next Steps

This section describes issues the Reentry Council has addressed, including employment and education, healthcare, treatment and federal benefits, housing, children of incarcerated parents and other special populations, and the full range of collateral consequences. For each topic, this section summarizes the challenge, accomplishments over the past five years, and next steps. The Council is particularly focused on next steps – what we can do to further cement the reforms that have been introduced to date, and ensure that reentry resources are widely understood and utilized at the regional, state, and local levels.

Cross-cutting themes

While this discussion is organized by topic, several themes cross-cut the Council's agenda and will continue to guide the future of our work.

The first is **implementation**. Over the last five years, the Council has developed a robust set of policies and resources. What's necessary now is ensuring that the field is aware of the Council's policies, initiatives, and resources – and that those resources reach the communities that need them most. Much of this can be accomplished with targeted and persistent training, technical assistance, and communications to field level staff and key stakeholders. As momentum builds for justice system reform, we must leverage the collective reach of our agencies' headquarters to coordinate and connect efforts across the country. Together, we can capture the lessons from initiatives nationwide and build on prior work to ensure lasting progress.

The second is **culture**. There is much we can do to reduce stigma and shine a light on success stories. Reentry Council agencies are also increasingly using language – in speeches, documents, websites and solicitations – that is aligned with the philosophy of embracing second chances. Many who are released

“Lasting progress requires a change in culture, not just adopting good policy. In order for that to happen, people of good faith must commit to find the courage, patience, and willingness to engage with those with differing perspectives, and have an open heart to reflect on their own beliefs and practices.”

**Valerie Jarrett,
Senior Advisor
to President Obama**

from jail or prison feel that the terms “felon,” “ex-con,” or “ex-offender” convey a permanent negative title, forever branding them by their past actions. To this end, the Reentry Council aims to use language that is not unnecessarily disparaging. DOL, for example, has changed the name of their “Re-Integration of Ex-Offenders” program to the “[Reentry Employment Opportunities](#)” program. Likewise, DOJ’s Office of Justice Programs (OJP) [publicly announced](#) its commitment to removing unnecessarily disparaging terms from its programs, materials, and resources.

A third theme is **coordination and communication**. It is critical for federal agencies to share information with one another, with field offices, and with a wide range of stakeholders. Alignment at the federal level is a critical first step, but the Reentry Council recognizes the importance of working effectively with government and nongovernmental organizations at the national, regional, state, and local levels. Moving forward, the Reentry Council is committed to identifying strategies for sharing information and resources to support policy reform, program development, and learning at all levels. The Council is also considering ways to engage and support **local and regional networks** of our federal counterparts and other key stakeholders.

Council agencies are particularly focused on **engaging with people who have been directly impacted by reentry and the criminal justice system** – both those who have been

Reentry Council representatives meet with criminal justice stakeholders, December 19, 2013. (Photo: Department of Justice)



through the system themselves or were victims of crime. In 2015 DOJ launched the [Second Chance Fellowship](#), a new position designed to bring in a person with expertise in the criminal justice field – and personal prior involvement in the justice system – to the Reentry Council. The Second Chance Fellow serves as a colleague to the Reentry Council, an advisor to BJA's Second Chance Act (SCA) programs, and a conduit to the broader justice-involved population. The Reentry Council has also hosted listening sessions with youth from around the country who have or have had incarcerated parents, to learn about their experiences and needs. DOJ held a two-day meeting with those impacted by wrongful conviction, both original victims and exonerees, who provided insight into the significant reentry challenges they faced. And DOJ's Office for Victims of Crime (OVC) is exploring listening sessions with incarcerated and formerly incarcerated individuals to hear firsthand about their experiences with violent victimization and trauma, as well as with victims whose lives may be impacted by the reentry process of the person who harmed them.

Finally, the Reentry Council is committed to a **comprehensive approach** to reentry. DOJ's Second Chance grants, for example, require the use of evidence-based assessment tools and programs that reduce risk and recidivism. They also support treatment for substance use and mental health disorders; job training; expansion of services to children of incarcerated parents; and help to secure driver's licenses, modify child support orders, and expunge criminal and juvenile records. Other agencies, such as DOL and ED, support grants, programs and policies that build skills and education to better prepare individuals for challenges they may face in the workplace, in academic settings and at home. And HHS, HUD, and the Office of National Drug Control Policy (ONDCP) help connect individuals to housing, healthcare, treatment and other needed support services. Beyond grants and resources, the Reentry Council has helped create a policy environment that supports opportunity and a path back for returning citizens who want to contribute to our communities and economy. We will also learn from ongoing and forthcoming evaluations, and will promote and expand programs and innovations that work.

States have made substantial progress addressing reentry over the last 15 years – and many states have seen reductions in their recidivism rates. The BJA-supported National Reentry Resource Center (NRRC) released a [policy brief](#) in 2012 highlighting seven states that reported significant declines in their three-year recidivism rates. A second report features recidivism and incarceration data through 2013, as well as examples of key strategies the states have employed to promote successful reentry. The two reports reflect advances in the reentry field and demonstrate that it is possible for states to effect significant reductions in statewide recidivism. Evaluations of SCA programs are underway with the first set of impact findings expected later this year.



Secretary of Education Arne Duncan, Attorney General Loretta Lynch, White House Cabinet Secretary and Chair of the My Brother's Keeper Task Force Broderick Johnson, and Assistant Secretary of Labor Portia Wu participate in a roundtable at the Maryland Correctional Institute in Jessup, July 31, 2015. (Photo: Department of Education)

Though we have outlined an ambitious plan to improve reentry outcomes and reduce the collateral consequences of having a criminal record, we cannot reach our goals alone. There is significant work to be done that can only be accomplished via legislation, leaving much in the hands of lawmakers at the federal, state, and local levels. But over the past five years, the Reentry Council has become adept in working within existing laws and authorities to ignite and expand opportunity. The next section of this report reviews our collective progress toward improving access to employment, education, housing and healthcare, supporting children of incarcerated parents, and reducing collateral consequences. Most importantly, however, it sets forth our plan to build on these achievements in the years to come.

Improving access to meaningful employment opportunities

The Challenge. More than 70 million people – roughly one in three Americans of working age – have a criminal record, mostly for relatively minor non-violent offenses, and sometimes from decades in the past. While research is clear that stable employment is an important predictor of successful reentry,⁵⁸ individuals with criminal records face high obstacles obtaining meaningful employment, even if they have paid their debt to society, are unlikely to reoffend, and are qualified for the job for which they are applying. The impact of having a criminal record is exacerbated among African Americans, who are more likely than whites both to have a criminal record and also to experience racial discrimination in the labor market without a criminal record.⁵⁹

Many employers are reluctant to hire applicants with criminal records,⁶⁰ even though emerging research suggests that employees with criminal records may perform as well on the job as those without.⁶¹ A new study of military data showed that people with criminal records were no more likely to be discharged for negative reasons and, in fact, were more likely to be promoted – and to higher ranks – than their counterparts without records.⁶² Another study in Durham, North Carolina showed that “ban the box” policies led to substantial increases in employment of people with records, without compromising public safety.⁶³

While the majority of employers conduct criminal background checks when seeking to fill job vacancies,⁶⁴ questions about criminal records are not always relevant to a particular job



Labor Secretary Tom Perez facilitates a business reentry roundtable at the White House, June 30, 2014. Also pictured: Pennsylvania Department of Corrections Secretary John Wetzel.
(Photo: Council of State Governments Justice Center)

Demographic Shifts

Over the next few decades the baby boomer generation will age out of the work force, while at the same time the majority of the population will become people of color.⁶⁶ If African Americans and Latinos, who comprise almost sixty percent of the prison population,⁶⁷ are denied the ability to get jobs or education to build their human capital, then there will be fewer qualified people to replace a dwindling workforce. A less qualified workforce means lower economic activity and production, which impacts the broader society.

opening. Human resources staff also often lack training on how to appropriately consider a person's criminal history as part of an application. Moreover, employers may not have access to complete and accurate criminal background information. According to a recent GAO report, only 20 states reported that more than 75 percent of their arrest records had final dispositions.⁶⁵ Because inaccurate and incomplete records are so common, processes to challenge the accuracy of these records are essential to fair hiring practices.

EEOC Guidance

In 2012, the EEOC issued its Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 in a 4-1 bi-partisan vote. The Guidance seeks to ensure that criminal background reports obtained by employers about job applicants and employees are not used in a discriminatory way. There are two ways in which an employer's use of criminal history information may be discriminatory:

- » Disparate treatment discrimination – Policies that treat job applicants or employees with the same criminal records differently because of their race, national origin, or another protected characteristic; and
- » Disparate impact discrimination – Criminal record exclusions that operate to disproportionately exclude people of a particular race or national origin. In such cases, the employer has to show that the exclusions are “job related and consistent with business necessity” under Title VII to avoid liability.

As a best practice, and consistent with applicable laws, the guidance recommends that employers do not ask about criminal history on job applications. The guidance also recommends that, if and when employers make such inquiries, the inquiries be limited to convictions for which exclusion would be job related for the position in question and consistent with business necessity. An exclusion based on an arrest, in itself, is not job related and consistent with business necessity.

“The ability of African-Americans and Hispanics to gain employment after prison is one of the paramount civil justice issues of our time.”

**Former EEOC Commissioner Stuart Ishimaru
statement on the day of their historic vote,**

April 25, 2012

The Path Forward. The Reentry Council will continue working to expand employment opportunities for qualified job seekers with prior justice involvement. Council agencies will continue to enforce existing laws that protect job seekers. The Reentry Council will also continue to support grants that provide job training and placement; to work with the business community to expand employment opportunities; and to launch new efforts to improve the accuracy of criminal records and their appropriate use for employment purposes. Reducing barriers to reentry has been – and will continue to be – a foundational focus of the Reentry Council.

Reentry Council Accomplishments:

- » **Issued anti-discrimination guidance, directives, and advisories.** In 2012, the EEOC issued guidance on the appropriate use of arrest and conviction records in employment decisions under Title VII of the Civil Rights Act of 1964. Building on that momentum, DOL issued a Training and Employment Guidance Letter to state and local public workforce administrators. This guidance provides explicit steps that the public workforce system – including One Stop Career Centers – should take to ensure compliance with federal EEO law and other nondiscrimination laws, to educate their employer customers, and to promote employment opportunities for people with criminal records. DOL also issued a directive for federal contractors about their obligations regarding the use of criminal records as an employment screen. Based on these principles, the Reentry Council published Myth Busters and other materials describing ways employers should consider a criminal record in their hiring decisions, and outlining protections for job seekers undergoing background checks.
- » **Pursued enforcement actions that help protect job seekers.** As necessary, EEOC, DOL, FTC, and the Consumer Financial Protection Bureau (CFPB) have each brought enforcement actions against companies that allegedly discriminate against job-seekers and employees with criminal records, as well as those companies that improperly disseminate criminal records. For example:

“This administration has made a commitment to getting more formerly incarcerated youth and adults successfully transitioned back into their lives and communities...the Labor Department has been at the forefront of this work by funding a number of innovative programs that are preparing both youth and adults for successful careers upon release...We don't kick people to the curb when they've made a mistake or fallen on hard times. We help them back on their feet and help them find ladders of opportunity, and we do so out of compassion and as a matter of conscience. Those are the values that animate our reentry programs, which we're confident will continue to change lives in powerful ways.”

**Labor Secretary Tom Perez,
Blog, June 25, 2015**

- In fall 2015, EEOC resolved a race discrimination case against an employer involving criminal background screens. The employer has since changed its guidelines, and will pay \$1.6 million to 56 aggrieved individuals and offer employment opportunities to the discharged employees and up to 90 black applicants denied hire.
- DOL settled a race discrimination case challenging a federal contractor's hiring process, which asked applicants for entry-level factory jobs whether they had been convicted for theft, illegal drug violations, or related felonies in the last seven years. This, coupled with other discriminatory screening questions, kept 5,557 African-Americans from advancing in the hiring process. The [settlement](#) required the contractor to pay \$1 million in back wages and interest to the affected job-seekers, make job offers to some rejected applicants, and to completely revise its application process to remove all vestiges of discrimination.
- FTC announced a \$2.6 million civil penalty and permanent injunction in a settlement agreement with a national employment background screening agency for allegedly violating the Fair Credit Reporting Act, by, among other things, failing to ensure accuracy and properly investigate consumer disputes.
- In October 2015, CFPB took action against two of the largest employment background screening companies, finding that they violated the Fair Credit Reporting Act by, among other things, failing to employ reasonable procedures to assure the maximum possible accuracy of the information contained in reports provided to consumers' potential employers. CFPB ordered the companies to correct their practices, provide \$10.5 million in relief to harmed consumers, and pay a \$2.5 million civil penalty.

» **Expanded grants, training, outreach and stakeholder engagement to improve employment and recidivism outcomes.** DOJ's SCA and DOL's Reentry Employment Opportunities (REO) programs provide grantees nationwide the resources and technical assistance (TA) they need both before release and upon return to the community. For example:

- DOL's Linking to Employment Activities Pre-Release (LEAP) grants put One Stop Career Centers – also known as American Job Centers – in correctional facilities so that individuals can get comprehensive services before release and ongoing support as they regain their place in the community when their incarceration ends. DOL also recently awarded over \$21 million in Training to Work Grants, which will allow returning citizens in a state or local work release program to participate in a career pathway program that maps out a sequence of education, training and workforce skills training that will produce skilled workers who meet the needs of local employers.

- With support from BJA, the Center for State Government (CSG) Justice Center developed the *Integrated Reentry and Employment Strategies* (IRES) white paper, which focused on strategies to design and implement employment-focused reentry programs. The framework in the IRES paper is being tested in two national demonstration sites to help workforce development and corrections systems triage their scarce resources and tailor service delivery in ways that reduce re-incarceration and improve employability for their shared population.⁶⁸
- FTC and EEOC also continue to educate businesses and consumers and workers on the proper use of background checks to make employment and other decisions, including housing. EEOC alone participated in more than 200 trainings in FY2015.
- SBA entered into a public/private partnership with the W.K. Kellogg Foundation to pilot a three-year initiative to provide formerly incarcerated parents with intensive entrepreneurship education and access to microloans for starting or growing a business. The goal of this pilot is to help individuals achieve economic stability, gain access to opportunity and become more employable or successful at business ownership. The three-year initiative will operate in four cities: Detroit, St. Louis, Louisville, and Chicago. To understand and strengthen the impact of this pilot program, the Kellogg Foundation and SBA will conduct a rigorous evaluation of the initiative and the outcomes of the participants.

» **Highlighted incentives to hiring and other public education material.** Reentry Council agencies have published five Reentry Myth Busters that tackle employer obligations and incentives. For example, the DOL offers [federal bonding protection](#) and promotes the [Work Opportunity Tax Credit \(WOTC\)](#) for employers who hire people with a criminal record. EEOC also developed a new [Fact Sheet](#) for its Youth at Work outreach program that provides young workers with information about their employment rights regarding criminal records.

» **Engaged private sector companies to consider the benefits of expanding their talent pool.**

- The White House launched a [Fair Chance Business Pledge](#) along with 19 founding pledge takers, including American Airlines, Coca-Cola, Google, The Hershey Company, Koch Industries, PepsiCo, Prudential, Starbucks, and Xerox. These businesses made substantial commitments to provide individuals with criminal records, including those formerly incarcerated, a fair chance to participate in the American economy. Today, over 100 businesses have taken the pledge.

“When we allow a person’s criminal history to permanently derail his or her ability to achieve the American dream, our economy, our public safety, and our communities suffer as a result.”

**EEOC Chair Jenny Yang,
National Reentry Week
2016 Statement**

- The CSG Justice Center, with DOJ support, has provided technical assistance for planning employer engagement events around the country modeled after the Business Roundtable hosted at the White House and DOL in June 2014.
- In their Beyond the Box Guide and [Letter from the Secretary](#), ED called for institutions of higher education, both public and private, to Ban the Box in their hiring and employment practices.

» **Enacted policy changes that reduce barriers to employment and business development.**

- OPM published a [proposed rule](#) to delay inquiries into criminal history until after a conditional offer. While most agencies had already taken this step, this action will ensure that applicants from all segments of society, including those with prior criminal histories, receive a fair opportunity to compete for federal employment.
- OPM also developed a [best practices guide](#) regarding contractor applicants who support federal agencies.
- SBA published a final [rule](#) for the Microloan Program that provides more flexibility to SBA non-profit intermediaries and expands the pool of microloan recipients. The change will make small businesses that have an owner who is currently on probation or parole eligible for microloan programs, aiding individuals who face significant barriers to traditional employment reenter the workforce.
- HHS launched a project to examine the barriers faced by individuals with a criminal record who are trying to enter the healthcare workforce, and to identify opportunities to increase access to such employment.

» **Launched new efforts to document expungement and record-clearing policies.**

To identify the variations in state laws governing the sealing and expungement of conviction and non-conviction information, the CSG Justice Center, with DOJ support, developed a 50-state inventory of record clearance policies, including the information eligible for clearance, waiting period, procedure, effect, and fees. States interested in exploring record clearance reform have been given an overview of their state's policies, access to state repository information, state fair credit reporting act laws that govern commercially prepared background checks, and fair hiring (ban the box) policies at the state and local level. This database will inform the National Clean Slate Clearinghouse, a joint effort by DOJ and DOL to provide technical assistance for record-cleaning, expungement, and other means of mitigating criminal records.

"In the year 2000, Katherine Graham was headed to college on a basketball scholarship when she got mixed up with the wrong guy. He persuaded her to transport some drugs for him, and she wound up with a 10-year prison sentence. She was 21. In prison, she became depressed, lost her faith and almost lost her life. But after hitting rock-bottom, she became determined to turn her life around. One day, in the prison library, she came across Black Enterprise Magazine. She saw a woman in a hard hat and said, "That's me." Katherine went to work as crew chief on a construction crew in prison. She became a leader of women. Then she was released. It wasn't easy. When she applied for jobs, and checked the box on criminal history, no one would call her back. So she tried not checking the box. She was hired, her new employer loved her, but then two weeks later, the results of her background check came in and she was unemployed again.

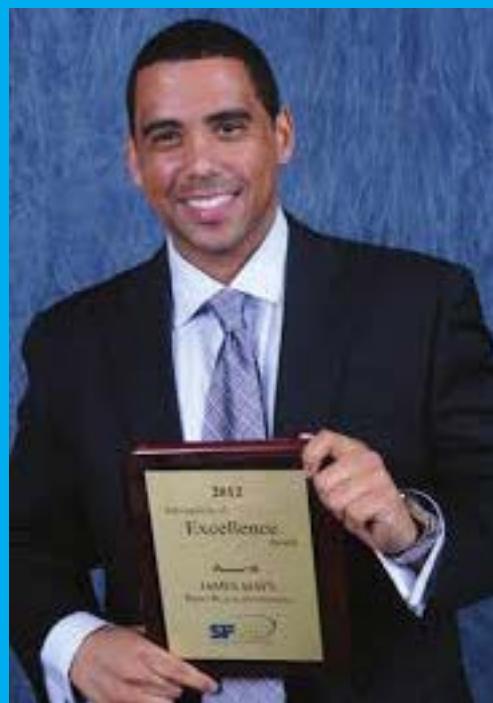
Finally, Katherine went to work for Habitat for Humanity to hone her construction skills. From there, with \$1,000 in her pocket, she bought a house in foreclosure for practically nothing – and used her construction skills to flip it for a healthy profit. That's when she visited SBA's Norfolk office. They referred her to our counselors at SCORE. SCORE helped her create a business plan and a marketing strategy for a home improvement company. That was back in 2006. A few years later, she returned to SBA, and we helped her get certified as a HUB Zone business for preferential access to federal contracts. Today, her company works on a \$10 million project for HUD. They also manage maintenance contracts for McDonald's, Dollar General and 7/11 – and they do lead paint inspections in more than 20 states. Katherine also runs a nonprofit called "Do It, Girl" that gives at-risk young women their first exposure to the world of work. SBA is proud to have played a role in Katherine's success. Her story shows the promise of entrepreneurship for returning citizens."



Small Business Administration Administrator Maria Contreras-Sweet speaks at the Second Chance Act Conference, December 18, 2015. (Photo: Council of State Governments Justice Center)

**SBA Administrator Maria Contreras-Sweet,
Speech in Washington, DC December 18, 2015**

On his 21st birthday, **James Mays** was sentenced to 10 and a half years in federal prison for armed robbery. "I vowed that when I got out, I'd be better – but more importantly, I'd do better," James recalls. "I made every second of prison count." While incarcerated, James earned a degree in general studies and began working for the Federal Prison Industries (FPI) program. Through FPI, James learned to manufacture tactical vests used to protect soldiers in combat for Point Blank Enterprises, a leading body armor distributor. When representatives from Point Blank toured the factory, they were so impressed by James that they encouraged him to apply to their company upon release. Five days after James was released from a halfway house, Point Blank offered him a job. James worked hard at Point Blank, and was promoted several times in the subsequent years. In recognition of his achievements, he was named Employee of the Year in 2012. Mr. Mays is featured in FPI's Second Chances video, which chronicles his story.



James Mays, with Employee of the Year award, 2012.
(Photo: Point Blank Enterprises)

» **Empowered justice-involved individuals to take control over their financial lives.**

The CFPB is creating a *Focus on Reentry* initiative to supplement its *Your Money, Your Goals* financial empowerment toolkit and training. The *Your Money, Your Goals* program has trained more than 8,000 social workers and legal aid staff on money management and financial consumer protection topics, such as consumers' rights under debt collection law. *Focus on Reentry* provides information and tools addressing challenges such as how to access and dispute errors in background screening reports. The goal is to use this quick-to-scale effort to train frontline staff to help their justice-involved clients address financial issues that may affect their ability to secure jobs, housing, and other basic needs. The FTC has launched a *Reentry and Corrections Education* webpage for justice-involved individuals and staff working with this community that provides resources on financial literacy, scams, identity theft, and background checks.

Upcoming Actions:

- » **Training people exiting prison and jail for employment.** To ensure federal grantees are utilizing evidence-based practices in employment programs, the CSG Justice Center is providing

cross-training to DOJ's SCA grantees and DOL's REO TA providers on core components of effective programming and service delivery principles. Over the next year, the IRES pilot sites will institute coordination among corrections and workforce agencies on a scale rarely seen in the field. Additionally, WIOA will support training opportunities for people with criminal records in partnership with local and state workforce investment boards. WIOA also offers opportunities to leverage coordination with workforce development systems and vocational rehabilitation to facilitate increased access to employment for re-entering individuals with disabilities.

- » **Addressing the employment practices of private employers.** Reentry Council agencies are exploring a public/private partnership to provide business-to-business technical assistance on best and promising practices related to hiring justice-involved individuals. The TA would focus on helping companies better understand: (1) when criminal background checks should be conducted in the hiring process; (2) what types of criminal records should be considered for particular positions; and (3) how those records should be appropriately evaluated when filling job vacancies. BJA will also support the CSG Justice Center to hold additional local public/private dialogues to engage employers about hiring people with criminal records. Additionally, the CSG Justice Center will partner with the Association of Chamber of Commerce Executives and local Chambers to develop resources for business leaders across the country on the importance of considering people with criminal records in hiring decisions. DOL's Office of Federal Compliance Contract Programs will also conduct regional trainings for federal contractors on its Directive.
- » **Training and educating employers, American Job Centers, and other key stakeholders.** DOL will host an online training session in fall 2016 (via webinar) to ensure that the workforce system understands the process and legal implications of the 2012 guidance regarding the use of criminal records as an employment screen. EEOC will continue its trainings, engage stakeholders regarding promising outreach strategies, and develop a toolkit for its field staff.
- » **Making the federal government a model employer.** Upon issuance of the final "Ban the Box" rule, OPM will provide webinars or information sessions with agencies and stakeholders. The agency will also provide virtual workshops to reentry stakeholders so they can better understand

"Now, a lot of time, that record disqualifies you from being a full participant in our society – even if you've already paid your debt to society. It means millions of Americans have difficulty even getting their foot in the door to try to get a job much less actually hang on to that job. That's bad for not only those individuals, it's bad for our economy. It's bad for the communities that desperately need more role models who are gainfully employed. So we've got to make sure Americans who've paid their debt to society can earn their second chance..."

**President Obama,
Speech in Newark, NJ,
November 2, 2015**

the opportunities available in the federal government. OPM will provide training webinars to federal contractors on its 2013 Fitness Adjudication [Best Practices Guide](#).

- » **Launching new efforts to address record clearing and related legal aid.** DOL and DOJ recently announced the National Clean Slate Clearinghouse, which will provide technical assistance to local legal aid programs, public defender offices, and reentry service providers to build capacity for legal services needed to help with record-cleaning, expungement, other means

Community Development Financial Institutions (CDFIs) Assist Reentry Efforts

Through the Community Development Financial Institutions (CDFI) Fund, the U.S. Treasury is working to expand economic opportunity for underserved people, including justice-involved individuals. CDFIs are mission-driven organizations that offer affordable financial products and services that meet the unique needs of economically underserved communities. The CDFI Program invests in and builds the capacity of CDFIs, empowering them to grow, achieve organizational sustainability, and contribute to the revitalization of their communities. CDFI Financial Assistance is widely used by CDFIs to support reentry-focused initiatives in underserved areas across the country, totaling millions of dollars in investments.

Mercy Corps Northwest, an Oregon-based CDFI, has leveraged CDFI Financial Assistance to make a tremendous impact on outcomes for currently and formerly incarcerated individuals. Mercy Corps works within two correctional facilities in the Pacific Northwest to provide business education classes for incarcerated women, teaching them important skills for reentering the community and the workforce. Mercy also supports an organic garden at a women's state prison, promoting healthy eating, education and environmental action among incarcerated women.

Through their Reentry Transition Center, Mercy Corps works with formerly incarcerated people to address their immediate and long-term needs, connect them with community-based services, and help them obtain employment, housing, and healthcare. Mercy Corps is also piloting a program to reduce barriers to housing. The initiative will provide qualified candidates with a "Certificate of Good Standing," which helps landlords and property managers identify which people with criminal histories have documented indicators of successful rehabilitation. In 2015 alone, Mercy Corps helped 345 formerly incarcerated individuals secure employment, served 1,025 individuals through their Reentry Transition Center, and saved more than \$8 million in public safety expenditures.



THE WHITE HOUSE WASHINGTON

Reentry and Employment Champions of Change June 30, 2014



Housing and Urban Development's Tonya Robinson (then Special Assistant to the President for Justice and Regulatory Policy) hosts a panel at the Reentry and Employment Champions of Change event, June 30, 2014. Also pictured: Tyrone Mullins, Sam White, Daryl Atkinson, and Tracey Syphax, who were all recognized at the event. (Photo: Council of State Governments Justice Center)

of mitigating criminal records, and related civil legal services. HUD and DOJ will also support the 18 jurisdictions receiving Juvenile Re-entry Assistance Program (JRAP) aid, a legal aid program for young public housing residents.⁶⁹

» **Addressing widespread inaccuracies in criminal records.** The Presidential Memorandum directed the Reentry Council to focus on improving the accuracy of criminal records. This entails systems at the federal, state, and local levels, and also from multiple sectors, including government, criminal background check companies, and employers. Reentry Council agencies will engage consumer reporting agencies to develop industry-wide best practices on the types of records that should be searched and ensure that applicants have adequate time and notice to challenge inaccurate records. The Council will explore additional proposals as well.

Improving access to meaningful educational opportunities

The Challenge. In a federal study of people released from state prisons, 94 percent of incarcerated adults identified education as a key reentry need.⁷⁰ Roughly 37 percent of people in state prisons do not have a high school diploma or GED, and 86 percent lack postsecondary education.⁷¹ Education is a core resource for release preparation, and is an evidence-based tool for reducing recidivism among adults and juveniles. The RAND Corporation's meta-analysis of research on correctional education found that, on average, incarcerated people who participated in correctional education programs were 43 percent less likely to recidivate than their counterparts who did not.⁷² This major study, funded by BJA, also found that a one dollar investment in prison education translates into four to five dollars of savings in corrections costs during the first three years after release.

Education is also a critical issue for youth in custody, including youth with disabilities. Of those who were tested, nearly one-third of the individuals in juvenile-justice facilities were diagnosed with learning disabilities, though fewer than 25 percent received special education services and supports to address their needs.⁷³ And drawing upon the most recently available data from the nation's largest database on teaching and learning in juvenile justice systems, the quality of the learning programs for incarcerated youth have had "little positive, enduring impact on the educational achievement of most children and youth in state custody."⁷⁴

The Path Forward. Reentry Council agencies will continue to implement and build upon efforts to improve educational opportunities for justice-involved populations, both pre- and post-release. Using new tools and guidance materials, agencies will promote best practices and provide technical assistance in support of reentry education and transitional services. In addition to building on recent efforts to expand access to higher education,

"And for those already in the system, we can't just walk away from them – we also have to invest in education, career training, treatment, and support programs that help young people who are already involved in the criminal justice system become contributing members of our society. That's why we are starting the Second Chance Pell program, to give those who are incarcerated a better chance at going to college... We cannot stand by while another generation of young people – from Chicago to Denver, and from Baltimore to Ferguson – faces the same choices. That's why we're in the fight we're in, to make opportunity real for those who were born without advantages, and who have lived and grown with struggle and fear. That's why I so strongly believe, as the President does, that we must be a nation of second chances. It's why we have to try new ideas. It's why we have to do everything we can."

**Education Secretary
John B. King, Jr., Speech,
September 20, 2015**



Roundtable to launch Second Chance Pell Pilot program at Maryland Correctional Institute in Jessup, July 31, 2015. (Photo: Department of Education)

the Reentry Council will continue to build a community of practice that supports an array of educational opportunities, including career and technical training opportunities and high-quality education for youth and justice-involved persons with disabilities. These steps will include efforts not only to improve access, but also to expand available programming and improve assessment and review systems.

Reentry Council Accomplishments:

- » **Expanded access to higher education.** ED's [Second Chance Pell](#) pilot program will allow nearly 12,000 eligible Americans incarcerated in state and federal correctional facilities access to roughly \$30 million in Pell Grants, enabling them to pay for postsecondary education and training that can help them to successfully reintegrate, obtain jobs, and support their families. Over 200 postsecondary institutions applied and 69 institutions – in partnership with more than 100 correctional facilities – were selected in June 2016. Teams representing each pilot site came to Washington, D.C. for a convening hosted by ED, DOJ and the Vera Institute of Justice, and sponsored by the Ford Foundation and the California Wellness Foundation, in late July to identify and share best practices for designing effective postsecondary correctional education programs. Additionally, ED issued a [Beyond the Box guide](#) highlighting the impact of criminal justice inquiries on college admissions to support colleges and universities in their efforts to expand college opportunity for justice-involved individuals. And the White House and ED launched a [Fair Chance Education Pledge](#) June 2016 for colleges and universities to demonstrate their commitment to providing second chances. As of July 2016, more than two dozen postsecondary institutions have committed to removing barriers to higher education access.

» **Issued joint guidance to improve education delivered to juveniles in correctional settings.** ED and DOJ released a correctional education guidance package in December 2014 to inform the efforts of states, school districts, and juvenile justice facilities that serve court-involved youth. This guidance package included:

- A set of [Guiding Principles for Providing High-Quality Education in Juvenile Justice Secure Care Settings](#) from ED and DOJ identifies promising practices for improving education programs in juvenile justice facilities, as well as areas in which federal legal obligations apply.
- A [Dear Colleague Letter on the Individuals with Disabilities Education Act \(IDEA\) for Students with Disabilities in Correctional Facilities](#) from ED's Office of Special Education and Rehabilitative Services, clarifying state and public agency obligations under IDEA to ensure the provision of a free and appropriate public education to eligible students with disabilities in correctional facilities.
- A [Dear Colleague Letter on the Civil Rights of Students in Juvenile Justice Residential Facilities](#) from ED's Office for Civil Rights and DOJ's Civil Rights Division, clarifying that those juvenile justice residential facilities that receive federal funding, like all other public schools, must comply with federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, religion, and disability.
- A [Dear Colleague Letter on Access to Pell Grants for Students in Juvenile Justice Facilities](#) for campus financial aid professionals, and a [question and answer factsheet for students \(also in Spanish\)](#) from ED's Office of Postsecondary Education, clarifying that otherwise eligible youth who are confined in juvenile justice facilities are eligible to receive Pell Grants, subject to the modified cost of attendance statutory provisions that apply to incarcerated students.

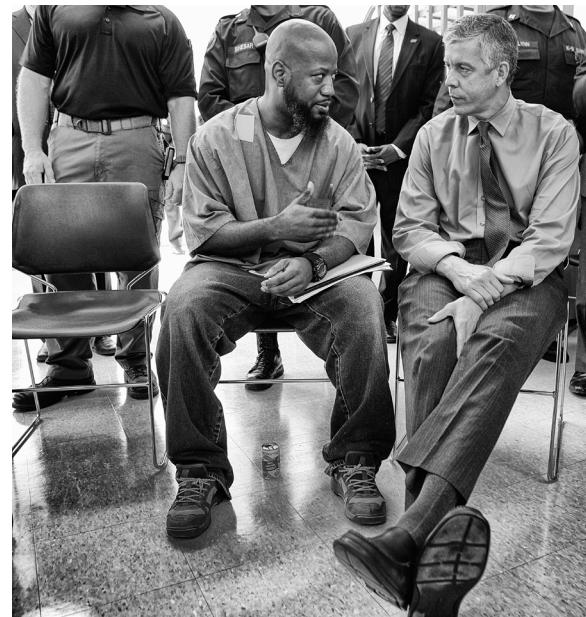
» **Ensuring effective implementation of the guidance through IDEA Self-Assessment Monitoring Tool.** To assist states and districts in effectively implementing recommendations and requirements included in the 2014 Guidance, ED has created the [State Correctional Education Self-assessment](#) (SCES), a voluntary tool for states to evaluate how well their correctional education programs are delivering special education and related services and complying with IDEA requirements for these youth. ED will continue to provide TA and training on the use of this tool.

» **Implemented important WIOA changes.** ED is implementing WIOA, which includes a range of education and job training opportunities for incarcerated individuals to promote successful reentry and reduce recidivism. WIOA also raised the cap on the amount of funding states can use for correctional education from 10 to 20 percent. Regulations were finalized in June 2016.

» **Developed an evidence-based reentry education model and tested it in various jurisdictions.** ED developed a reentry education model in 2012 and, in concert with DOJ, awarded three grants to adult education providers for innovative correctional education programs aimed at helping America's incarcerated population make a smooth reentry to society through education and workforce training. Building on the successes and lessons learned from this investment, ED developed an [online reentry education toolkit](#) in winter 2016. ED also awarded nine new reentry education grants in the fall of 2015. This grant program seeks to build evidence on effective reentry education programs and to demonstrate that high-quality, appropriately designed, integrated, and well-implemented educational and related services in institutional and community settings are critical in supporting educational attainment and reentry success for individuals who have been incarcerated.

» **Adapted reentry model for application in juvenile settings.** The Juvenile Justice Reentry Education Grant Program: Opening Doors to College and Careers through Career and Technical Education (JJ-REP) is a joint investment between ED's Office of Career, Technical, and Adult Education and DOJ's Office of Juvenile Justice and Delinquency Prevention (OJJDP). This grant program is intended to improve outcomes for justice-involved youth by providing career and technical education (CTE) programs in juvenile justice facilities as well as intensive wrap around reentry supports and services, post-release CTE, and employment and training opportunities. Each of the JJ-REP projects represents a unique approach to working with a population that typically has a history of poor school attendance and academic disengagement.

» **Developed research on ways to securely provide access to information technology in correctional education.** ED's Office of Career, Technical, and Adult Education issued [Educational Technology in Corrections, 2015](#), as a response to the challenges and opportunities that technology presents for correctional education. This policy brief looks broadly at the challenges to and opportunities for expanding and improving educational services for incarcerated individuals through the use of educational technology, and empowering teachers and learners in correctional settings. The Reentry Council has also released Myth Busters on [Technology Information Access](#) and [Education Technology in Juvenile Facilities](#).



Secretary of Education Arne Duncan hears from Goucher College student at the Maryland Correctional Institute in Jessup, July 31, 2015. (Photo: Department of Education)

Upcoming Actions:

» **Implementing the Second Chance**

Pell Pilot Program. Starting in the summer of 2016, ED and DOJ will work to create and foster a community of practice for postsecondary correctional education to disseminate information, share resources, and keep pilots and the field up to date about new developments and best practices, while also developing a robust evaluation component in partnership with researchers and philanthropic foundations. ED will also gather information and share resources with concurrent postsecondary correctional education programs not participating in the Second Chance Pell pilot program, in order to enhance ED's knowledge base and build on the community of practice.



Education Secretary John King and Los Angeles Mayor Eric Garcetti with participants at a UCLA event announcing the Department of Education's Beyond the Box guidance for higher education, May 9, 2016. (Photo: Department of Education)

» **Encouraging colleges and universities to sign the Pledge and adopt the Beyond the Box Guidance.**

The [Fair Chance Higher Education Pledge](#) provides our nation's colleges and universities with an opportunity to voice their support for the reforms needed to remove unnecessary barriers to higher education. ED will continue to encourage colleges and universities (and a broad array of coalitions) to sign the Pledge and demonstrate an ongoing commitment to adopting fair chance admissions practices and going "Beyond the Box" by determining whether criminal justice-related questions are necessary to make informed admission decisions.

» **Assisting states in implementing the juvenile correctional education guidance.**

ED's Title I, Part D program continues implementation of the guidance package recommendations through joint TA to state and local agency contacts (five joint webinars and presentations with OSEP since 2015), developing new self-assessment instruments and monitoring plans that incorporate key points of the guidance (from FY 2017-18), and analyzing annual performance data on connection to services and educational outcomes while juveniles are in confinement and up to 90 days after they leave.

» **Presenting on WIOA changes.**

ED will present on WIOA and corrections at the annual state workforce board directors' meeting in August 2016, highlighting the expanded opportunities under the law for correctional education funding. Additional training opportunities will be identified.

» **Clarifying student loan rehabilitation and repayment for incarcerated individuals.**

ED will be releasing a "Reentry MythBuster" through the Reentry Council designed to clarify ED policies around student loan repayment and student loan rehabilitation for individuals who are currently incarcerated.

- » **Disseminating lessons from the reentry education toolkit and grants.** The reentry toolkit will be presented at an international gathering of correctional educators in August 2016. The JJ-REP grantees will also have a technical assistance provider who will develop tools and resources based on lessons learned from the grantees.
- » **Developing resources to promote successful youth reentry.** ED is developing resources to support the smooth reentry of incarcerated juveniles into schools and the community. The Neglected or Delinquent Technical Assistance Center (NDTAC) for the Title I, Part D program will update its Transition Toolkit for the first time since September 2008. The Toolkit will help practitioners equip youth with the skills necessary to successfully navigate child-serving systems. Additionally, ED is developing resources for states, juvenile justice facilities, and families to provide high-quality education for justice-involved youth with disabilities. In partnership with DOJ, ED is also creating user-friendly resources to help students and families address a wide range of reintegration needs, including re-enrollment, expungement and records transfer, among others.
- » **Developing a juvenile reentry toolkit for youth and families of youth in out-of-home placement.** The toolkit will highlight common barriers to reentry and provide information on national and local resources, including educational resources, to meet the needs of youth transitioning back to their communities.
- » **Disseminating findings from the cognitive skills study.** The Programme for the International Assessment of Adult Competencies (PIAAC) study provides direct measures of incarcerated working-age adults' cognitive skills based on their performance on literacy, numeracy, and problem-solving tasks set in real-life contexts. This is a follow up to the 2003 national assessment of adult literacy prison survey. ED is expecting that a report will be released in October 2016. ED will work to develop a Dear Colleague Letter to address the Administration's response to the information contained in the study and work with their reentry grantees and the technical assistance provider to incorporate lessons learned from the study into TA products.
- » **Sharing information on practices that promote successful reentry of youth with disabilities.** ED currently has three Model Demonstration Projects underway relating to reentry of students with disabilities from juvenile justice facilities to education, employment, and community programs. These projects are collecting data on common student and systems change outcomes and will continue to do so throughout the 2016-2017 school year. The analysis and reporting will be completed late in 2017.
- » **Support education-focused alternatives to incarceration.** ED and DOJ will make a joint investment in diversion programs intended to improve academic, employment and behavioral outcomes for certain justice-involved youth. This effort will support communities in diverting young people out of the criminal and juvenile justice systems, instead reconnecting them to the educational system, as well as social and emotional supports. This initiative will provide critical resources to build the capacity of local communities to help connect justice-involved youth with pathways to college, careers, and economic stability.

Julius Walker, Nyack College 2015

"In my 34th year of incarceration I discovered college; not only did it transform my life but it also changed my trajectory. In 2015, I proudly graduated with my bachelor's degree in organizational management and today, I'm a Program Coordinator at a non-profit that focuses on strengthening relationships and building communities, a position that allows me to help young people learn how to peacefully resolve conflict and help families forge healthy relationships."

Steve Rodriguez, Nyack College 2015

"Education has given me a chance to earn the love and respect of my children. Education has helped me to become a better person and more importantly, a better father and grandfather."



Julius Walker, Nyack Class of 2015, at left, with Dr. Michael Scales, president of Nyack College and Alliance Theological Seminary. (Photo: Hudson Link for Higher Education in Prison)

Darryl Butler, Nyack College 2001

"Education helped me to realize that no matter how bad things get, there are positive ways to manage problems. Education helped me develop the skills and insights that I need to own my future. The old me was someone you'd never want as a neighbor; the new me is someone you'd value as a friend."



Darryl Butler, Nyack Class of 2001, at left, Dr. Samuel Arroyo, Mercy College Class of 2004 and Hudson Link Program Director. (Photo: Hudson Link for Higher Education in Prison)

Sean Pica, Nyack College 2001

"Education saved my life. Education started me on my path to success. I earned my bachelor's and master's degrees while incarcerated. Today, I'm the executive director of Hudson Link for Higher Education in Prison, which provides college in five NY State correctional facilities. Today, I'm able to pay-it-forward and positively affect thousands of men and women inside and outside the prison walls."



Sean Pica, Nyack Class of 2001 and Executive Director, Hudson Link for Higher Education in Prison. (Photo: Hudson Link for Higher Education in Prison)

*Hudson Link and its educational partners, Nyack and Mercy Colleges, were selected for participation in Second Chance Pell by the U.S. Department of Education. Hudson Link's college program was profiled in a video shown at the
Second Chance Pell Inaugural Convening Welcome Reception on July 18, 2016.*

Improving access to health care, treatment, and benefits for justice-involved individuals and families

The Challenge. The incarcerated population carries a high disease burden, with substantially higher rates of medical, psychiatric, and addiction problems than the general public.⁷⁵ Approximately half of those in prison or jail report having had a chronic condition and almost 20 percent report having had an infectious disease.⁷⁶ In terms of behavioral health, more than half of individuals in prison or jail report having a mental health condition,⁷⁷ and about half (53 percent of all state prisoners and 45 percent of all federal prisoners) met the DSM-IV criteria for drug dependence.⁷⁸ These rates are significantly higher than the general population.

While some prisoners receive the treatment and care they need while incarcerated, many do not. The gap is particularly acute when it comes to substance use disorders and mental illness, where less than 20 percent of those who need treatment get it.⁷⁹ After release, there is often even less care in the community. Yet the research is clear: continuity of care is essential if we want to see health and safety benefits.⁸⁰ Overdose from opioids, for example, was the leading cause of death for former prisoners, with highest risk present in the first week of release.⁸¹ Whether it be for substance use disorders, mental illness, infectious or chronic conditions, continuity of care must be a priority, particularly in the first days and weeks after release when the risk of relapse, reoffending, and even death, is most acute.⁸²

The Path Forward. The Reentry Council is committed to expanding health care coverage and continued access to treatment in order to help lower health care costs, hospitalizations and emergency department visits, and to decrease mortality and recidivism for justice-involved individuals. In addition to ensuring access to health care, the Reentry Council will help reentering individuals get back on their feet by facilitating access to the federal benefits they may be eligible for. Since many incarcerated individuals leave prison with little more than a bus ticket and small amount of money, access to key social safety net programs, like SNAP or Social Security, immediately upon release can help stabilize the critical time after incarceration when individuals are most at risk of relapse and reoffending. The Reentry Council will continue to ensure that the opportunities provided by reforms such as the Affordable Care Act will expand access to appropriate physical and behavioral health interventions and will continue to facilitate access to other forms of public assistance after a person is released from incarceration.

Reentry Council Accomplishments:

- » **Facilitated access to health care coverage.** HHS issued Medicaid guidance which clarifies that states can suspend, rather than terminate, Medicaid eligibility and cannot refuse to determine Medicaid eligibility based on incarceration. The guidance indicates that, while states may suspend Medicaid enrollment for individuals during periods of incarceration, or suspend coverage (with procedures to permit non-excluded coverage), they should also have procedures

in place to ensure that any suspension is lifted promptly when inmate status ends. Such policies help ensure active Medicaid coverage at reentry and timely access to the full array of Medicaid-covered services upon release. The guidance also clarifies coverage of certain Medicaid-eligible individuals living in community halfway houses (where they have freedom of movement), a policy clarification that increases access to care for as many as 96,000 individuals over the course of a year. HHS also released [guidance](#) for justice-involved individuals seeking to purchase private health insurance through the Health Insurance Marketplace.

» **Strengthened the continuity of care.** HHS sponsored a conference to share [strategies](#) for improving the continuity of care by using health information technology to connect community and correctional health care providers. HHS also issued [guidance](#) allowing Health Information Technology for Economic and Clinical Health (HITECH) Act funding for expenditures related to connecting eligible providers to other Medicaid providers, including correctional health care providers. This guidance supports interoperability to facilitate better care coordination and case management. DOJ provided funding to create [State Profiles of Health Care Information for the Criminal Justice System](#) to assist criminal justice professionals in understanding the health care environment in their state.

» **Improved the quality of health care.** HHS allocated \$9.2 million for a [reentry program](#) to support substance use disorder treatment, recovery support, and capacity building skills for formerly incarcerated individuals. HHS also launched the [Health Improvements for the Reentry Population \(HIRE\)](#) demonstration grants which provided \$1.5 million in funding to improve HIV/AIDS health outcomes of formerly incarcerated persons by supporting community-based efforts to ensure their successful transition from state or federal incarceration back to their communities. In addition, HHS clarified the requirements for providing services to justice-involved individuals across an array of health care settings that receive funding through Medicare and Medicaid. This [guidance](#) to surveyors seeks to assure high quality care is provided that is consistent with essential patient rights and safety for all individuals.

» **Improved accessibility of state-by-state information and resources on health care for the criminal justice population.** DOJ supported the creation of a [centralized online interactive map](#) that consolidates information and resources by state pertaining to health care coverage for the justice-involved population.

“It is important to understand the critical role access to health care plays in successful returns to the community for so many Americans trying to change their lives.”

**Richard Frank,
Former Assistant Secretary
for Planning and Evaluation,
U.S. Department of Health
and Human Services**

- » **Increased access to health care coverage and continuity of care for the justice-involved population.** DOJ has incentivized criminal justice agencies and reentry professionals to promote enrollment in health care coverage and create stronger links to health care services for the reentering population. Through such grant programs as Second Chance Act programs, Justice and Mental Health Collaboration Program, Adult Drug Court Program and others, BJA has encouraged grantees to adopt practices to improve access to health care for the populations they serve and supported special training for technical assistance providers. Additionally, BJA instituted performance measures for its grantees in order to capture data on enrollment activities and eligibility, requiring grantees to report directly on the numbers of individuals they serve that have access to health care, are eligible for health care coverage, and had been enrolled in public or private health care coverage.
- » **Created tools for corrections agencies to improve access to health care upon reentry.** DOJ published a toolkit, *Health Care Reform, The Patient Protection and Affordable Care Act: A Practical Guide for Corrections and Criminal Justice Professionals*. This publication outlines the successful strategies jurisdictions have incorporated to enroll individuals in Medicaid and private health insurance to facilitate continuity of health care from incarceration to the community, and gives tools and sample strategies for each step in the process of implementing health care reform for the adult correctional population.
- » **Funded research to understand the impact access to health care can have on recidivism.** HHS and DOJ funded a three-year pilot project to test the efficacy of enrolling individuals in prison and jail in the Medicaid program prior to release. The pilot project will evaluate outcomes such as Medicaid use, employment, and recidivism. HHS also funded a \$6.9 million Health Care Innovation Award to the Foundation for California Community Colleges to establish the [Transitions Clinic Network](#) to address the health care needs of high risk/high cost Medicaid and Medicaid-eligible individuals with chronic conditions released from prison.⁸³ Targeting 11 community health centers in seven states and Puerto Rico, the program has worked with the Department of Corrections to identify patients with chronic medical conditions prior to release and employ community health workers to help these individuals navigate the healthcare system, find primary care and other medical and social services, and coach them in chronic disease management. The outcomes being assessed include reliance on emergency room care, hospital admissions, cost, and patient health and access to appropriate care.
- » **Improved access to medication assisted treatment (MAT) as a reentry strategy.** Significant research indicates that MAT, which is the provision of medication alongside behavioral health services, is associated with the best long-term outcomes among individuals with substance use disorders. MAT's high success rate relative to other forms of substance use disorder treatment increases the probability of successful long-term recovery, which ultimately contributes to reductions in recidivism.

Joseph Calderon was incarcerated at age 23 and served 17 years in prison. Joe was released with no health insurance, insufficient medications for his hypertension, and nowhere to go for help. At a mandatory parole meeting following release, Joe met Juanita Alvarado, a formerly-incarcerated Community Health Worker at Transitions Clinic Network. Through Transitions, Juanita connected Joe to clinic services and helped him get on his feet. Inspired by Juanita's dedication to the community, Joe enrolled in a Clinical Health Worker training program himself. Joe is now a Community Health Worker at the Transitions Clinic in San Francisco, where he supports hundreds of returning individuals struggling with chronic conditions. In this role, Joe serves as a liaison between the parolees and clinicians. Joe bridges the healthcare gap for his clients, many of whom did not have access to healthcare prior to the Affordable Care Act, and empowers them to navigate the healthcare system. He is also training to teach the Community Health Worker certification program, helping other justice-involved individuals realize their goals. "I really wish I could change society's view of parolees and their potential," Joe says. "I came out of prison with that experience and passion. Yet in many situations we're still not looked upon as being worthy enough to be part of the system. On the contrary, I think we have a lot to give back to society."



Joseph Calderon, right, a community health worker for San Francisco's Southeast Health Center, part of Transitions Clinic Network, with a client. (Photo and caption credit: The Transitions Clinic Network)

- In 2015, DOJ funded a pilot project at three BOP facilities to provide long-acting injectable naltrexone to individuals with an opioid use disorder within two months of release and to continue medications for six months while they are in residential reentry centers or halfway houses.
- In June 2016, ONDCP hosted a convening of 70 leaders in substance use treatment, correctional health, and correctional administration to discuss implementation of MAT programs in correctional and reentry settings. ONDCP has invested heavily in training and TA, including conducting two webinars on MAT for justice-involved populations, a webinar on implementation of MAT in drug courts, and through the Drug Court Training and Technical Assistance grant program, a MAT curriculum for drug court professionals, including a guidebook and training modules.

- In July 2016, HHS finalized a rule to increase the number of patients to whom practitioners may prescribe the MAT, buprenorphine. Effective August 8, 2016, practitioners who have prescribed buprenorphine to up to 100 patients for at least one year and who adhere to several additional requirements can now increase their patient limits to 275, significantly increasing access to buprenorphine treatment.
- » **Supported state Medicaid-housing technical assistance.** The U.S. Interagency Council on Homelessness (USICH), HHS, and HUD, in partnership with national organizations, launched a [State Medicaid-Housing Partnership Technical Assistance effort](#) to help eight states (California, Connecticut, Hawaii, Illinois, Kentucky, New Jersey, Nevada, and Oregon) build partnerships among their Medicaid, behavioral health, and housing agencies. This effort is designed to provide state Medicaid agencies with targeted program assistance to ensure that people who are high users of healthcare services, or have disabling conditions who exit institutional settings have access to a robust service package linked to supportive housing to improve access to health care and outcomes and reduce costs.
- » **Clarified available sources of public assistance for reentering individuals.** Reentry Council agencies released Myth Busters clarifying federal eligibility for the [Supplemental Nutrition Assistance Program \(SNAP\)](#), [Veterans Compensation Benefits](#), [Temporary Assistance for Needy Families \(TANF\)](#), and [Social Security and Supplemental Security Income \(SSI\)](#). Additionally, the SSA launched a new [reentry web page](#) in December 2013 to provide information about accessing Social Security and SSI benefits after release. The website has received over 490,000 views. HHS provided [guidance](#) clarifying that the TANF eligibility ban for drug felons does not apply to services such as counseling, case management, job retention, job advancement, and certain other employment-related services that do not provide basic income support.
- » **Identified and removed barriers to benefit access.** USDA developed an administrative waiver to increase the speed with which reentry populations can access nutrition assistance benefits, ensuring food security upon release. This waiver allows state agencies to accept and process SNAP applications submitted by individuals nearing their release date and conduct the required interview with an eligibility worker by phone while the applicant is still incarcerated. If the individual is otherwise eligible for assistance, the processed application is held until his or her release, at which time benefits can be issued immediately.
- » **Facilitated access to identification.** SSA has worked with federal and state corrections officials to allow incarcerated individuals to apply for or reinstate their Social Security benefits, SSI benefits and receive replacement Social Security Number (SSN) cards prior to their release. SSA now has pre-release benefit agreements with 47 states, and replacement SSN card Memoranda of Understanding with 39 states and the BOP. DOJ also [asked state governors](#) to allow formerly incarcerated individuals to exchange their federal prison ID cards for state-issued identification.

Upcoming Actions:

- » **Providing training and technical assistance to states on health care coverage options.**

HHS is conducting outreach so that state Medicaid officials and Health Marketplace assistors understand the options for connecting justice-involved individuals to health care coverage, including the rules concerning private or public health coverage options' ability to pay for physical and behavioral health services.

- » **Encouraging connections to health care coverage and services prior to release.** HHS

and DOJ are strongly encouraging correctional institutions and other state, local and tribal agencies to take an active role in preparing individuals for release by assisting with the process of applying for health care coverage – either by helping them enroll in Medicaid pre-release, or coverage offered through the Health Insurance Marketplace post-release. DOJ, for example, is funding intensive training and technical assistance to Los Angeles County and the State of Maryland not only to help these jurisdictions improve access to health care for returning citizens, but also to identify promising practices and generate national policy guidance to assist other states and counties that want to increase enrollment in health care coverage and improve continuity of care for the criminal justice population.

- » **Increasing research to track the effects of linking the criminal justice population to health care coverage and services.** DOJ is funding research that will link state

incarceration, release and recidivism data with state Medicaid enrollment and usage data to study increases in health care utilization as well as corresponding recidivism rates for these individuals.

- » **Expanding access to medication assisted treatment and naloxone.** ONDCP, HHS,

and DOJ will continue to encourage correctional institutions at the federal, state, local and tribal levels to develop and implement programs that provide MAT and the opioid overdose reversal medication naloxone to justice-involved individuals with an opioid use disorder. In order to help states understand their options for promising programs, ONDCP is developing a compendium of MAT programs in U.S. jails and prisons. ONDCP, HHS, and DOJ will continue to foster partnerships between law enforcement agencies and public health agencies to address the opioid crisis comprehensively. On April 27, 2016, ONDCP partnered with the Police Executive Research Foundation and the Office of Community Oriented Policing Services to host a symposium on "Law Enforcement and Public Health: Successful Partnerships in Addressing

"Correctional institutions have an important role to play in ending this crisis – they can provide effective treatment, help people successfully reenter society and not recidivate, and ultimately help communities all across the country heal."

**Michael Botticelli, Director,
Office of National
Drug Control Policy**

**Remarks at the Stakeholder
Convening on Medication-Assisted
Treatment for Justice-Involved
Populations, Friday, June 17, 2016
The White House**

Opioid Use.” ONDCP circulate the resulting report and other training materials to improve practice at the state and local level.

- » **Promoting health technology to improve continuity of care.** HHS and DOJ are working together to make sure that correctional entities are aware of the opportunities to exchange information between community and correctional health care providers. The agencies are developing materials for prisons and jails to explain the HHS guidance on HITECH Act funding. Additionally the White House, HHS, DOJ, and community stakeholders are holding meetings to discuss promising information exchange practices at the state and local level.
- » **Encouraging connections between public health, human services, and corrections officials at the community level.** Given the high health and human service needs of individuals leaving the system, HHS will launch a new \$2.4 million Re-Entry Community Linkages Program to improve health outcomes for minority and/or disadvantaged individuals, aged 18 to 26, in transition from jail to their communities by establishing connections between the reentry population and community-based organizations that provide linkages to health and behavioral health services, health insurance coverage, and other social services, such as housing, adult education, and employment assistance programs.
- » **Facilitating access to identification and sources of financial support.** SSA will continue to work with federal, state, and local corrections officials to establish pre-release agreements that will improve the process by which incarcerated individuals can obtain replacement Social Security cards. SSA is also developing an online Reentry Resource Map to showcase the states with pre-release agreements, as well as the types of agreements held in those states. USDA is committed to encouraging state SNAP agencies to request the available SNAP waiver and educating key stakeholders about opportunities to enroll individuals in SNAP prior to release. DOJ will continue to work with states to expand the ability of incarcerated individuals to swap their federal prison ID for official state-issued identification.
- » **Facilitating access to drivers’ licenses.** Policies that broadly restrict eligibility for drivers’ licenses based on convictions unrelated to a person’s ability to drive safely significantly limit opportunities for individuals to search for and secure jobs, housing, education, healthcare and other vital services. The Department of Transportation (DOT) is taking several steps to encourage states to consider identification and the ability to use transportation as key elements of programs intended to reduce recidivism and increase public safety. For example, DOT’s National Highway Traffic Safety Administration (NHTSA) funded the American Association of Motor Vehicle Administrators to produce a “[Best Practices Guide to Reducing Suspended Drivers](#)” that includes alternative solutions to drivers’ license suspension and sample legislation. The Secretary of Transportation will continue to work with the industry and states to adopt a flexible approach for reinstating suspended or revoked drivers’ licenses for previously incarcerated persons.

- » **Expanding access to trauma-informed care.** DOJ's Office for Victims of Crime (OVC) issued a new rule clarifying that funds under the Victims of Crime Act (VOCA) can be used to provide victim services for incarcerated individuals, many of whom have experienced trauma and victimization themselves. Starting in August 2016, over \$2.5 billion in VOCA funds will be eligible to support trauma-informed, holistic interventions and promote healing among survivors, including those who are justice-involved (see section below related to trauma-informed services to victims). HHS will offer ongoing training opportunities for correctional officials and resources on care through the [National Center for Trauma-Informed Care and Alternatives to Seclusion and Restraint](#) (NCTIC) and the [GAINS Center for Behavioral Health and Justice Transformation](#).

Improving Access to Trauma Recovery and Support Services for Victims of Crime

As part of its commitment to reducing victimization and recidivism, Reentry Council agencies are exploring access to holistic, trauma-informed services for victims of crime. This includes those victims whose lives may continue to be impacted by the criminal justice or reentry process of the person who originally harmed them via Post Conviction Victim Services, and also justice-involved individuals who have themselves been victimized during or prior to their incarceration.

Post-Conviction Victim Services

Victims have statutory, and often state constitutional-level, rights that begin the moment a crime is committed and continue through the life of a case and beyond – including reentry. Different criminal justice stakeholders are responsible for upholding these rights by providing timely notice and facilitating the victim's participation in various hearings, reviews, appeals, and other legal proceedings that occur long after conviction and sentencing. These same stakeholders – including prosecutors, corrections, reentry, parole, probation, victim advocates and other service providers working both in and out of the justice system – also have the responsibility to promote access to trauma-informed support services at various stages of the post-conviction process.

These rights and services are not only part of the dignity and meaningful role in the justice process intended for crime victims, hard-fought over decades of advocacy and now spelled out in law. They also often play a critical role in victims' unique healing journeys, offering them choices in the ways they may participate in the justice process, while also providing safety and support within a system that is often ill-equipped to

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recognize or prioritize their needs. Failing to keep these supports in place may not only negatively impact the safety, healing and recovery process of a victim or family, but may also stifle the successful reentry of the person returning as well.

Victims often hold key perspectives and information critical to successful reentry. When victims are given the opportunity for meaningful participation and engagement, and the support to help them feel safe in the process, a holistic approach to reentry planning sets individuals, families, and communities up for success. Providing trauma-informed post-conviction services that are integrated and ongoing, much like reentry services, allows for the sharing of timely and relevant information and the development of tailored responses which address the most pressing safety, stability, and healing needs of all parties involved.

Trauma-Informed Services for Justice-Involved Victims

Public perception often envisions “victims” and “perpetrators” as two separate if not mutually exclusive categories, overlooking the significant overlap between these populations. In reality, many justice-involved individuals were once, if not many times, themselves victims of violent crime and often have significant trauma histories.⁸⁴

As the country embraces meaningful second chances for people with records, it is time we also address the role that trauma may have played in their lives. Despite a growing body of evidence demonstrating the physical, psychological and emotional impacts of exposure to violence and trauma, many victims struggle to access the services they need to heal. According to the National Crime Victimization Survey, only about nine percent of all victims of serious violent crime receive direct assistance from a victim service agency. When the crime is not reported to police (the case for approximately half of these victimizations) that number drops to four percent – and is so often the case for victims with a criminal record who fear they will not be seen by the system as a victim of crime.⁸⁵ When trauma goes unaddressed, victims may be more likely to cope through substances or other self-destructive behaviors leading to justice system involvement, fueling the cycle of violence and harm.

With an understanding of the long-term impact of trauma and victimization, the Reentry Council is working to break down the false dichotomy between victims and the justice-involved population, ensuring that all victims – including those who are incarcerated or reentering – receive the support necessary to stabilize their lives. To this end, OVC has issued a groundbreaking new rule interpreting VOCA, making clear that these funds can be used to support victim services for incarcerated individuals. These services identify and address the root causes of violence and other criminal activity, reducing recidivism and interrupting the cycle of violence in communities.

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Trauma-informed services are of particular importance for groups that are disproportionately affected by violence and whose victimization needs have traditionally gone unrecognized, such as young men and boys of color. In 2015, OVC and OJJDP collaborated to fund and support 12 demonstration sites nationally to improve responses to male survivors of violence, with a focus on boys and young men of color and their families. This initiative is providing resources, partnerships, training and TA to address the fact that while young men of color represent some of the highest rates of victimization, they are far more likely to end up incarcerated than in a victims services program.⁸⁶ Through survivor-centered strategies, peer-learning and cross-training opportunities, and robust program evaluation, this initiative will not only promote healing among male survivors of violence, but will also yield valuable insight to guide and inform the field.

The Reentry Council is also addressing the recently recognized challenge of human trafficking of justice-involved women before, during, and after their release. The National Institute of Corrections (NIC) is working with Reentry Council stakeholders to identify and address the vulnerabilities of this population, and to connect with the many avenues of support funded by BJA and OVC. This includes the recently-launched OVC and the American Bar Association Commission on Domestic & Sexual Violence Survivor Reentry Project, providing national training and technical assistance for judges, prosecutors, and attorneys working with survivors of human trafficking, including allowing survivors to petition to have their records cleared if they can show that their arrests or convictions arose from their victimization. Most survivors are unaware of the relief for which they are potentially eligible, and which could remove the many collateral consequences standing in the way of rebuilding their lives. In other words, sometimes a cutting-edge victim services program and a cutting-edge reentry program are the same thing.

The Council is also expanding the use of existing tools, such as the BJS National Inmate Survey and National Crime Victimization Survey, to develop a more nuanced understanding of the barriers to services that perpetuate cycles of victimization and harm. A new BJS report examining trauma among those incarcerated in prison or jail is planned for publication in 2017. The report uses data from the 2011-12 National Inmate Survey to examine seven types of trauma (including physical assault, sexual assault, a life threatening accident or injury, the murder or suicide of a loved one, the accidental death of a loved one, witnessing someone being seriously injured or killed, and other experiences that put you at risk of death). The results may be used to support the need for trauma-informed services for those reentering their communities from prison and jail.

Improving housing stability for reentering individuals

The Challenge. A place to live is one of the most fundamental building blocks of a stable life. Stable housing is particularly critical for people returning from prison and jail, who face a myriad of challenges while reestablishing themselves in their communities. Yet significant barriers to stable housing for reentering individuals exist. Across the country, over 10 percent of persons released from prisons and jails face homelessness upon reentry – a percentage that could be as high as 50 percent in large, urban areas.⁸⁷ The lack of stable housing increases the likelihood of contact with the justice system.⁸⁸

The challenges of reentry are compounded for returning citizens without housing, who may lack the resources to pay rent or are screened out of other housing options because of their criminal record. In addition, many parole departments require conditions of supervision (such as not associating with persons who have criminal records), which can further limit their housing options and push them towards shelters and other temporary housing options. Often, the best case scenario for individuals returning from prison or jail is to live – at least temporarily – with family members. However, even in instances where the family wants to open their doors to their returning relative, barriers may persist. For those with family members who live in buildings managed by public housing authorities, local PHA policies – or misconceptions about these policies – may prevent them from residing with family members, who fear eviction. Others may not have family members who are willing or able to provide a place to live. Too often, these individuals become homeless. Re-entering people with disabilities, including those with mobility-related challenges, may also face significant barriers to obtaining housing that is both accessible and affordable.

The Path Forward. The Reentry Council is committed to ensuring that all returning individuals have access to this most basic need: a safe place to sleep at night. With this goal in mind, the Council will work with PHAs and other housing providers to increase understanding of new guidance documents and provide appropriate training to help housing providers implement fair housing policies that take into account the nature of the crime, the length of time since it occurred, and whether or not it has any relation to tenancy.

The Council will help providers strike a balance to adopt policies that do not unfairly bar those who have a past criminal history, while continuing to ensure that residents have safe living environments. The Council will also continue to work with stakeholders to expand and cement innovations, such as partnerships between public housing authorities and legal aid providers and the Pay for Success approach to Permanent Supportive Housing, to ensure that – if proven effective – these innovations expand, not evaporate, after implementation in the initial pilot sites.

Reentry Council Accomplishments:

- » **Developed and disseminated critical policy clarifications.**

From the earliest days of the Reentry Council, it was clear that there was a widespread misunderstanding of HUD's rules regarding screening and eviction policies when it came to people with a criminal record. In response, HUD developed a Myth Buster [factsheet](#) and sent letters to executive directors

of PHAs and multi-family homeowners across the country to clarify that there are only two categories of people that HUD permanently bars from its properties: individuals who were convicted of producing methamphetamines on PHA property, and individuals who are on the lifetime sex offender registry. The letters encourage the development of policies and procedures that allow formerly incarcerated individuals to rejoin their families in HUD-assisted housing, while maintaining safety for residents. HUD's new report, [It Starts with Housing](#), also highlights innovative practices from PHAs that are helping to provide people with second chances.



Housing and Urban Development Secretary Julián Castro speaks in Philadelphia during National Reentry Week, April 25, 2016. (Photo: Department of Housing and Urban Development)

- » **Issued historic anti-discrimination guidance.** In April 2016, HUD issued historic [guidance](#) on the treatment of renters and buyers with criminal arrest records, and landlords' and sellers' obligations under the Fair Housing Act. This guidance makes clear that blanket bans on renting or selling to anyone with a criminal record may have an unjustified discriminatory effect or disparate impact in violation of the Fair Housing Act. The 2016 fair housing guidance builds on arrest guidance issued in 2015 to public housing authorities and owners of HUD-assisted housing, clarifying that arrest records may not be used to determine who can live in HUD-assisted properties. This [guidance](#) and subsequent [FAQs](#) also emphasize that the Department does not require the adoption of "one strike" policies and include best practices from local PHAs.

- » **Launched cutting edge Pay for Success pilot to expand the permanent supportive housing model for the reentry population.** Building on research demonstrating that permanent supportive housing reduces homelessness and incarceration for target populations who consume high levels of crisis public services, including jails, emergency rooms, and shelters,⁸⁹ HUD and DOJ launched an \$8.7 million demonstration grant to address these challenges among the justice-involved population. The Pay for Success (PFS) Permanent Supportive Housing (PSH) Demonstration will test cost-effective ways to help persons cycling between the criminal justice and homeless service systems, while making new permanent supportive housing available for

the reentry population. PFS is an innovative form of performance contracting for the social sector through which government only pays if results are achieved. This grant will support the design and launch of PFS/PSH programs to reduce both homelessness and jail time, generating savings in criminal justice and safety net systems. And with an additional \$2.5 million in research and evaluation funds, the pilot will offer insight into how communities can most effectively deliver these evidence-based practices.

- » **Developed materials identifying strategies that keep the homeless population out of the criminal justice system.** The USICH and its partner agencies launched *Opening Doors: the Federal Strategic Plan to Prevent and End Homelessness*, the nation's first comprehensive strategy to prevent and end homelessness. The plan reflects agreements by Council member agencies on a set of priorities and strategies to end homelessness, including ways to advance health and housing stability for people experiencing homelessness who have frequent contact with the criminal justice system. Since the development of *Opening Doors*, USICH has developed a number of [resources](#) to guide the field and promote best practices in this area, including a [tip sheet](#) providing guidance on how corrections agencies, reentry service providers, state and local governments, and community partners can help break cycles of homeless and incarceration by helping people exiting the system connect to housing resources.
- » **Provided funding and technical assistance to existing grantees supporting successful reintegration of persons with criminal justice histories.** Grantees of the Choice Neighborhoods program, with support from BJA's Public Safety Enhancement grants, are implementing activities to support reentry, reduction and prevention of violent crimes, gang, and illegal drug activity through innovative police and citizen coalitions, reentry initiatives and HUD Section 3 program employment/economic development opportunities.

"The fact that you were arrested shouldn't keep you from getting a job, and it shouldn't keep you from renting a home...And HUD is fully committed to making sure that local housing providers can still set fair, non-discriminatory screening policies for returning citizens looking for housing. But right now, many landlords use the fact of a conviction – any conviction, regardless of what it was for or how long ago it happened – to indefinitely bar folks from housing opportunities. When someone has been convicted of a crime and has paid their debt to society, then they ought to have an effective second chance in life. The ability to find housing is an indispensable part of that second chance. Past mistakes shouldn't determine future opportunity, and HUD is doing everything in our power to make sure of that..."

**HUD Secretary Julian Castro,
Speech in Washington, DC,
April 4, 2016**

Upcoming Actions:

- » **Providing training and technical assistance to HUD field staff.** To ensure local and regional housing officials know and understand the latest guidance regarding housing for justice-involved individuals, including the types of blanket bans that may violate the Fair Housing Act, HUD will establish a network of field office points of contact. Engaging this network will provide a consistent means of delivering information and responding to inquiries from PHAs and other stakeholders. In addition, HUD will establish quarterly calls with Field POCs by September 30, 2016.
- » **Providing housing assessment and discharge planning guidance for correctional institutions.** USICH and agency partners will release guidance detailing ways to assess the housing status of people involved with the criminal justice system, to identify people at risk of or experiencing homelessness, and providing best practices for ensuring that housing stability is a focus of discharge planning.
- » **Disseminating information and engaging stakeholders.** Reentry Council agencies will continue to dispel damaging myths regarding HUD policies, and disseminate best practices information to external stakeholders to encourage the implementation of fair housing policies at the local level.
- » **Learning from new innovative pilots to inform future direction.** Reentry Council agencies will pay close attention to innovative programs, including those that are federally funded such as the PFS/PSH Demonstration and the Juvenile Re-entry Assistance Program (JRAP),⁹⁰ to ensure that these pilots inform future policy and funding decisions.
- » **Promoting effective program models and technical assistance strategies.** HUD, USICH and DOJ will elevate effective program models and technical assistance strategies so that local jurisdictions can learn from their peers around the country and scale promising and best practices.

Reducing collateral consequences, including bars to occupational licenses, that present unnecessary barriers to successful reentry

The Challenge. Collateral consequences are the statutory and regulatory penalties, sanctions and restrictions imposed on people convicted of crimes that are distinct from the direct consequences (such as prison, jail, or probation) imposed as part of the court's judgment at sentencing. Collateral consequences also include the less formal, but equally powerful, social stigma and negative societal attitudes that are associated with having a criminal record, even when it did not result in conviction. The ABA, with DOJ support, has researched state, territorial, and federal codes to identify some

After serving over 22 years in federal prison, **Darryl Booker** was released without personal identification, financial resources, or a place to call home. Determined to move from the halfway house to a place of his own, Mr. Booker immediately began taking steps to start fresh. He enrolled in the Philadelphia Supervision to Aid Reentry (STAR) program, a reentry court initiative that targets high-risk individuals with a history of violent crime. Through STAR, groups of formerly incarcerated individuals attend bimonthly court sessions with a federal judge and a team of practitioners to discuss their progress, address their needs, and develop plans for success. STAR helped Mr. Booker obtain identification, which in turn enabled him to apply for public benefits and receive a housing choice voucher from the Philadelphia Housing Authority. Unable to work due to chronic heart and lung issues, Mr. Booker obtained Social Security Disability benefits with STAR's help. Thanks to his housing voucher, Mr. Booker is now able to afford an apartment of his own. Mr. Booker participates in continuing education classes and volunteers at L.I.F.E. Ministries to help others in their own reentry.

Luis Cordero is also a successful graduate of STAR. Determined to become a productive member of his community upon release, he requested to participate in STAR while he was still incarcerated. Through STAR and Philadelphia Housing Authority's Second Chance Program, he received a housing choice voucher, which helped him relocate to a new neighborhood. Since his release, he has worked in landscaping, construction, maintenance and is now a licensed plumber apprentice. His goal is to eventually become a master plumber.

Mr. Booker and Mr. Cordero are two of the individuals who benefited from the STAR program. STAR has shown promising results. An evaluation of the program demonstrated that STAR participants were associated with an 84 percent reduction in supervision revocation, and that 61 percent of STAR participants were employed, compared to only 44 percent of the control group.⁹¹ And by reducing recidivism and revocation, STAR reports generating more than \$1 million in savings per year.⁹²



Darryl Booker, in foreground, participates in National Reentry Week roundtable, April 25, 2016. (Photo: Department of Housing and Urban Development)



Luis Cordero, graduate of Philadelphia Supervision to Aid Reentry (STAR) program, shakes hands with Attorney General Loretta Lynch after roundtable discussion, April 25, 2016. Also pictured: Sharon Dietrich of Community Legal Services of Philadelphia. (Photo: Department of Housing and Urban Development)

46,000 collateral consequences. The ABA has catalogued each jurisdiction's collateral consequences in the [National Inventory of the Collateral Consequences of Conviction](#) that can be searched by state, category, and keyword. The range of collateral consequences is vast, touching upon nearly every part of a reentering person's life. They include barriers to obtaining employment, finding stable housing, partaking in educational opportunities, receiving government benefits, and voting. Another significant category of collateral consequences involves restrictions related to acquiring occupational and professional licenses and certifications. The [National Inventory](#) has chronicled over 26,000 state occupational licensing restrictions for people with criminal records, including over 6,000 restrictions for misdemeanor offenses and nearly 20,000 restrictions that are lifetime or permanent restrictions for a conviction.⁹³

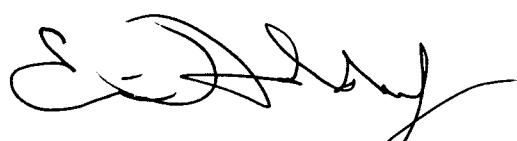
The Path Forward. A central focus of the Reentry Council is to consider whether policies and regulations can be more narrowly tailored, without impeding public safety or other legitimate government interests, to remove or reduce unnecessary barriers to individuals reentering society. The Council will promote reform by institutionalizing and building upon resources like the National Inventory, and developing tools to ensure that practitioners are aware of the full range of sanctions associated with a conviction. The Council is also committed to increasing access to resources that help formerly incarcerated individuals understand and address the barriers they face upon release. Moreover, Reentry Council agencies will continue to utilize the bully pulpit to raise awareness of unnecessary barriers and promote innovative approaches to reducing collateral consequences at the state and local level.

Reentry Council Accomplishments:

- » **Raised awareness and requested collateral consequence reviews.** In 2011, Attorney General Holder [wrote](#) to all state Attorneys General, asking them to assess their state's statutes and policies to determine if any should be eliminated. He stated that some of these consequences serve important public safety purposes, but many are antiquated and create unnecessary barriers to legitimate work and civic opportunities. The Attorney General asked Reentry Council agencies to review their regulations with an eye to how and where certain barriers can be eliminated or tailored without compromising public safety.

"Public safety requires us to carefully tailor laws and policies to genuine risks while reducing or eliminating those that impede successful reentry without community benefit. In evaluating the efficacy of your state's collateral consequences, you have the opportunity to ease the burden on families and communities in your state by ensuring that people who have paid their debt to society are able to live and work productively."

Letter from Attorney General Eric Holder to State Attorneys General on April 18, 2011



» **Implemented collateral consequence changes within federal agency authorities.**

Several federal agencies have addressed collateral consequences through guidance and directives, as noted throughout this report (see EEOC [guidance](#), DOL [guidance letter](#) and [directive](#), HUD [fair housing guidance](#), ED [clarification letter](#) and [Second Chance Pell Pilot program](#), OPM [proposed rule](#), and SBA [Microloan rule](#).) In addition:

- As part of the “Smart on Crime” initiative, Attorney General Holder also issued a [memorandum](#) directing all DOJ components to take collateral consequences into account when proposing any new regulation or guidance.
- HHS provided [guidance](#) clarifying that the drug felon ban for TANF recipients does not apply to services or benefits not specifically delineated within the regulatory definition of the term “assistance.”⁹⁴
- The VA has responded to a petition from veterans’ advocates, agreeing to engage in rulemaking to clarify regulations concerning the definitions of moral turpitude and willful and persistent misconduct, which are factors in VA’s evaluation of the impact of a veteran’s character of discharge on his or her eligibility for VA benefits.⁹⁵ VA also plans to re-examine the language in the regulations to incorporate mitigating circumstances for acts that might have affected the type of discharge issued by the pertinent military service department.

» **Launched new efforts to address occupational licenses.** The Department of the Treasury, DOL, and the CEA issued a [report](#) addressing occupational licenses including a discussion of best practices for state policymakers seeking to improve their licensing policies. And in April 2016, President Obama issued a [Presidential Memorandum](#) directing federal agencies to ensure that federally-issued occupational licenses are not presumptively denied on the basis of a criminal record. Reentry Council agencies are building upon this directive by providing assistance to states to undertake similar initiatives.

» **Expanded legal aid to address collateral consequences.**

- In collaboration with DOJ’s Office for Access to Justice (ATJ), several large grant programs – such as the DOJ Second Chance grants and DOL REO grants – now allow for the use of federal funds to pay for legal assistance to secure driver’s licenses, expunge criminal records, modify child support orders, and litigate inappropriate denials of housing or employment and violations of the Fair Credit Reporting Act.

“We are a nation that believes in second chances. Providing legal services to help individuals make a successful transition back to their communities, while also empowering them with the skills necessary to find a good job and thrive in the workplace, will help strengthen our economy and our society.”

**Labor Secretary
Thomas Perez**

- ATJ developed a case study, Civil Legal Aid Supports Federal Efforts to Help People with Criminal Records Make a Successful Reentry, which is part of an online resource guide containing useful information about civil legal services, and how those services can help advance a broad array of federal objectives, including reentry.



Juvenile Reentry Assistance Program (JRAP) Announcement in Philadelphia during National Reentry Week, April 25, 2016. (Photo: Department of Housing and Urban Development)

- HUD and DOJ funded Juvenile Re-entry Assistance Program (JRAP) partnerships between PHAs and nonprofit legal aid providers to help public housing residents and their family members under the age of 25 expunge, seal, or correct their juvenile and criminal records in accordance with applicable state laws. The awards also enable legal aid providers to help youth address the collateral consequences of having a record. In addition, the National Bar Association – the nation's oldest and largest national association of predominantly African-American lawyers and judges – has committed to supplementing this program with 4,000 hours of pro bono legal services.

Upcoming Actions:

- » **Institutionalizing support for the National Inventory of Collateral Consequences of Convictions and assistance to states.** DOJ is institutionalizing support for the National Inventory by building it into the National Reentry Resource Center (NRRC). The NRRC will manage the National Inventory and ensure that this vital resource remains up to date. DOJ is also creating capacity for the NRRC to assist states in reviewing and mitigating the impact of state-based collateral consequences as part of its Second Chance Act programming.
- » **Supporting innovations to address occupational licenses.** DOL has announced grant funding to convene states to review and analyze occupational licensing requirements and develop recommendations to make progress toward identifying licensing criteria to enhance portability from state to state and ensure that existing and new licensing requirements are not overly broad or create unnecessary barriers to labor market entry. DOJ is also providing technical assistance to support state efforts to improve state licensing opportunities for individuals with criminal records.
- » **Developing tools for the field.** DOJ aims to help prosecutors, defense attorneys, and the accused understand the full spectrum of sanctions that a conviction entails. DOJ is developing

bench books to help judges, prosecutors, defense attorneys and defendants understand the full spectrum of sanctions a conviction entails. DOJ is also exploring the development of a resource guide highlighting examples of innovative state and local practices that provide relief from collateral consequences. DOJ will develop additional tools geared toward providing concise and critical collateral consequences information to returning citizens in the format most accessible to these individuals.

- » **Expanding collateral consequences resources for youth.** DOJ is providing planning grants to develop comprehensive statewide reforms to improve the quality of legal representation for indigent juveniles, including funding to hire and train legal aid attorneys to address collateral consequences for justice-involved youth. DOL created an online, user-friendly career exploration resource called “[Get My Future](#)” for court-involved youth to help them understand their employment interests and opportunities. As discussed in the employment section, DOL and DOJ are also launching a National Clean Slate Clearinghouse. DOL also recently announced over \$31 million in funding for the Reentry Demonstration Projects for Young Adults, which allow organizations the flexibility to design programs for adults ages 18 to 24 that apply evidence-based interventions, such as mentoring, Career Pathways, Registered Apprenticeship, family reunification and other promising practices with a focus on providing occupational training and credentials.

Andy’s 10-year old felony conviction prevented him from pursuing his hopes of securing a state license to become a New York Licensed Practical Nurse. The Fortune Society, a grantee of DOL’s Reentry Employment Opportunities Program, referred Andy to MFY Legal Services in New York. His legal aid lawyer helped Andy obtain out-of-state criminal court records, gather proof of rehabilitation, and represented him at the initial investigative interview. The result was a successful license application and a job.

After release from jail and completion of a 90-day substance use disorder treatment program, **Ruben** sought help from Bay Area Legal Aid, Contra Costa, CA. Ruben’s attorney helped him stabilize several key areas of his life, including advising him on driver’s license reinstatement, his Section 8 housing status, family law matters and consumer/credit issues. These services helped him reunite with his family, secure employment, and be evaluated “low risk” on the Probation Department’s assessment tool. Bay Area Legal Aid’s reentry work is supported by U.S. Department of Health and Human Services Community Centered Responsible Fatherhood ExPrisoner Reentry Pilot Project, and DOJ’s Second Chance Act Adult Reentry Program for Planning and Demonstration Project.

Source: White House Legal Aid Interagency Roundtable, *Civil Legal Aid Supports Federal Efforts To Help People With Criminal Records Make A Successful Reentry* (Washington, DC: Dept. of Justice, April 2014), <https://www.justice.gov/lair/file/826501/download>.

- » **Expanding collateral consequences resources for tribal communities.** DOJ is supporting new projects to provide general information about the civil and criminal collateral consequences that result from convictions and/or incarceration in tribal communities. DOJ partners also support the 19 Indian Legal Aid Offices that provide legal representation to qualifying defendants in tribal criminal proceedings and legal assistance to Indian tribes and tribal justice systems.

Supporting children of incarcerated parents and their families

The Challenge. On any given day, as many as 2.7 million children – or one in 28 – have a parent in prison or jail. For African-American children, the rate is one in nine.⁹⁶ More than five million children, or seven percent of all children in the U.S., has had a parent who lived with them go to jail or prison.⁹⁷ The arrest and incarceration of a parent can have significant consequences for a child's well-being. Though each family's experience is unique, many families struggle with the sudden loss of the incarcerated parent's income and the costs related to incarceration.⁹⁸ Families may also be coping with trauma stemming from the parent's arrest or incarceration, as well as the disruption to family life.⁹⁹ Children of incarcerated parents may face increased risk of homelessness, financial instability, problems at school, and behavioral and mental health conditions, including depression and anxiety.¹⁰⁰ Despite the strength and resilience of many children, the shame and stigma associated with incarceration may cause children to feel isolated and may prevent parents from discussing their circumstances with others, causing many justice-involved families to go unidentified and unsupported.¹⁰¹

The Path Forward: Reentry Council agencies are putting strategies in place to ensure that children's chances for success are not negatively impacted by their parents' incarceration. Research shows that family engagement and support play an important role in promoting successful reentry. The Council will continue to take coordinated steps to raise awareness of – and provide resources to meet – the unique needs of children and youth who have incarcerated parents. Similarly, the Reentry Council will continue to find opportunities to improve the ability for incarcerated parents to maintain their relationship with their families – to improve opportunities for children to connect with incarcerated parents, and also to position the parents for successful reintegration to family life following release.

“Every day, millions of children face tremendous challenges due to the incarceration of a loved one, and this Administration is working to support these children as part of our commitment to make sure all children get the best possible start in life.”

Cecilia Muñoz,
Blog Post on June 19, 2013.

Johnisha has been incarcerated for the past ten years at the Secure Female Facility in Hazelton, West Virginia. Through the Court Services and Offender Supervision Agency and Hope House, BOP has been able to implement a video conferencing program to support family communication between incarcerated mothers returning to the District of Columbia and their families. Because of this program, Johnisha has been able to keep in touch with her two children, ages 17 and 13. "My favorite is the Family Re-Unification Program. It allows me to be a mother to my children while incarcerated. They visit at least twice a year in-person, and once a month on video. I've been able to be a good parent and blessed to watch them grow up from the ages of 12 and 8 to now ages 17 and 13. This keeps me from being depressed and non-productive in my rehabilitation and recovery, because my children are my motivation. I want to be a great mom now and when I re-enter society."

Reentry Council Accomplishments:

» **Encouraged the justice system to implement child-friendly policy and procedures.** DOJ worked with the International Association of Chiefs of Police (IACP) to release *Safeguarding Children of Arrested Parents*, a model policy and training for police focused on protecting the physical and emotional well-being of children when their parents are arrested. NIC also partnered with the Urban Institute to develop toolkits for community providers on [parental arrest](#), [family-focused jail programs](#), and [family impact statements](#), as well as a [framework](#) summarizing promising practices.

» **Developed resources for service providers working with children of incarcerated parents.** To raise awareness around the unique needs of children of incarcerated parents, Reentry Council agencies developed Tip Sheets for service providers, including [teachers](#), [mentors](#), and [correctional staff](#) who interact with these children. These materials are offered on a new federal [webpage](#), supported by HHS and DOJ, which offers resources for youth who have incarcerated parents, as well as materials for parents and service providers working with this population.



Secretary of Health and Human Services Kathleen Sebelius talks with children before the White House Champions of Change event, June 12, 2013. "When these children are given the attention and love they need, these children will thrive," Secretary Sebelius said at the ceremony. (Photo: Department of Health and Human Services)

Terry was in a difficult situation when he approached the Iowa Department of Human Services Child Support Program for assistance. He had spent time in prison, was unemployed, and was behind on his child support payments. Fortunately, the Department and the Evelyn K. Davis Center run a program called Reliable Employment and Child Support Help, or REACH. The project aims to improve the financial well-being of children by increasing the engagement of noncustodial parents in Polk County through a variety of coordinated services offerings. REACH is just one site in the Federal Office of Child Support Enforcement Office's National Child Support Noncustodial Parent Employment Demonstration (CSPED) that provides employment, parenting, and child support services to noncustodial parents to help them overcome employment barriers so that they can pay their child support consistently and strengthen relationships with their children. Early findings show nearly 70 percent of parents participating in the program have been justice-involved. Through the REACH program Terry was able to get his commercial driver's license. "They taught me how to better manage difficult parenting situations as a separated couple and my finances once I got a job." Terry is now fully current in supporting his children and has cleared his state arrearages.

- » **Improved video communication as a way to supplement in-person visitation between incarcerated parents and children.** NIC published [A Guide to Video Visiting in Corrections](#), to help correctional facilities incorporate a video visitation system as a way to enhance family communication. BOP also launched a video service in select female facilities to help incarcerated mothers connect with their children and social support networks. For some, this technology may give a way for children to interact with their incarcerated parents without experiencing the stigma and difficulties of visiting a parent in a correctional facility.
- » **Funded new programs to support justice-involved families.** OJJDP funded three first-time solicitations to support incarcerated parents and children: the [first](#), *Strengthening Relationships between Young Fathers and Their Children*, funds mentoring services for incarcerated fathers who are returning to their families; the [second](#), *Strengthening Families*

"We've learned through our work and research that children need their parents, and parents need their children, whether or not a parent is incarcerated. Incarcerated parents often say that the one thing that helps them to turn their lives around, to hang on, to get up every morning, and to keep going – that one thing is their kids. And children say that they miss their parents deeply when their parents are in prison."

**Vicki Turetsky, Commissioner,
Office of Child Support
Enforcement, Administration
for Children and Families,
HHS [blog post](#)**

and Children of Incarcerated Parents, supports pilot programs that will strengthen the relationships between children and incarcerated parents confined in federal correctional facilities; and the [third, Strengthening Relationships Between Young Fathers, Young Mothers, and Their Children](#) seeks to improve outcomes for young fathers and mothers using evidence-based practices to reduce recidivism and support responsible parenting that leads to healthy child development, resiliency, and improved interactions among young fathers and mothers, their children, and family and community members. HHS also launched the [Responsible Fatherhood Opportunities for Reentry and Mobility](#) program to help formerly incarcerated individuals mend relationships with their families as they return to society.



White House Domestic Policy Council Director Cecilia Muñoz introduces Alex, a Sesame Street character with an incarcerated father, at an event focused on supporting children of incarcerated parents, June 12, 2013. (Photo: Department of Health and Human Services)

- » **Provided resources to help incarcerated and formerly incarcerated parents with child support orders get back on their feet.** HHS supported state and local [partnerships](#) between child support agencies and federal and state prisons to help children maintain contact with their parents, prevent the accumulation of debt, connect individuals with child support services, and reduce the use of incarceration for nonsupport. HHS also issued a proposed rule that includes provisions designed to increase the likelihood that children of incarcerated parents can count on regular child support payments when the parents are released from prison. These provisions require that states consider the parents' subsistence needs, actual income, and other evidence of ability to pay when setting or modifying child support amounts and prevent states from treating incarceration as "voluntary unemployment." In effect, the proposed rule would prohibit states from legally barring modification of support obligations during incarceration, and would fund employment services for noncustodial parents in difficult-to-collect child support cases, for example when the noncustodial parent has been incarcerated and employment opportunities are diminished as a result. Additionally, HHS created a dedicated [website](#) addressing child support issues, including state-specific [modules](#) on changing a child support order.
- » **Clarified available sources of public assistance and federal law affecting justice-involved families.** Reentry Council agencies released Myth Busters on policies and programs related to children

Aubrey was in 7th grade when her mother was first incarcerated. At a July 2016 listening session with federal government officials, Aubrey recalled the humiliation she felt when being called out of class after her mother was arrested and the shame of having teachers and classmates look at her differently. "My mom's arrest consumed me. She was always on my mind, which made it difficult to do homework and live life like before." Aubrey is grateful for federally-funded Northwest Family Services for providing her with two incredible mentors, Marilyn and Marianne, who helped support her during this difficult time. "They were there for me, and only me. They had only my best interests in mind." Aubrey's mentors helped her by showing her what she could do stay off the path her parents took. Aubrey also says it was her mentors who convinced her to apply for college. "They wouldn't shut up about it," Aubrey joked. Aubrey worked with her mentors to apply for and tour colleges until she eventually decided on Western Oregon University in Monmouth, OR. She will be a freshman there this fall.



Aubrey, who begins college in fall 2016. (Photo: Department of Health and Human Services)

of incarcerated parents, including on child welfare, Medicaid, parental arrests, Social Security, TANF, and SNAP.

- » **Raised awareness around the unique needs of children of incarcerated parents and their families.** The White House held a [Champions of Change event](#) to honor 12 individuals who have devoted their careers to helping children who have incarcerated parents. The event also introduced new research-based public education materials, developed by Sesame Street as part of their [Little Children, Big Challenges: Incarceration](#) campaign to help parents, caregivers, and service providers navigate the challenges that a parent's incarceration can bring. The White House, the American Bar Foundation, and the National Science Foundation also hosted a [research workshop](#) that brought together leading scholars, policy makers, and practitioners to discuss available research on the effects of parental incarceration on children. DOJ and the White House hosted a [listening session](#) to solicit input from mentoring organizations, service providers, mentors, and youth on the keys to a successful mentoring program for children of incarcerated parents. And during National Reentry Week, Education Secretary John King hosted a



Education Secretary John King and Assistant Attorney General Karol Mason with attendees of roundtable at Benjamin Banneker High School in Washington, DC, April 25, 2016. (Photo: Department of Education)

roundtable at Benjamin Banneker High School in Washington, D.C., hearing from students, educators, and other stakeholders to discuss how reentry affects families and a child's education.

- » **Launched new research to identify promising practices for mentoring children and youth who have incarcerated parents.** DOJ initiated a [Practitioner-Researcher Partnership Mentoring Children of Incarcerated Parents Demonstration Program](#) to develop and evaluate new mentoring practices to serve the needs of youth whose parents are incarcerated. Additionally, DOJ's National Mentoring Resource Center (NMRC) hosts a Research Board that is responsible for assessing and reporting on the effectiveness of different mentoring programs, practices and resources intended to promote positive youth outcomes. Its new review, [Mentoring for Children of Incarcerated Parents](#), explores the demonstrated effectiveness of current mentoring programs for this population; the factors that condition or shape the effectiveness of mentoring for these children; the intervening processes most important in linking mentoring to outcomes for children of incarcerated parents; and the extent to which efforts to provide mentoring to this population have reached targeted youth, been effectively implemented, and been adopted and sustained by host organizations and settings.

Upcoming Actions:

- » **Providing training and technical assistance to program office staff to increase awareness of the unique needs of children and youth who have incarcerated parents.** Reentry Council agencies are committed to developing materials designed to improve services offered to children of incarcerated parents and their families. For example, the Children's Bureau at HHS plans to produce a podcast for social workers about strategies for communicating with incarcerated parents, and BJA has released a training video in collaboration with the IACP to introduce law enforcement agencies to their model policy, Safeguarding Children of Arrested Parents. The Office of Child Support Enforcement also plans to provide extensive training and technical assistance to state child support agencies following the publication of their final rule.
- » **Providing relevant and meaningful resources for youth, informed by youth.** Reentry Council agencies hosted a listening session with 20 youth from across the country who have or have had incarcerated parents to learn directly from them about the challenges they face, the supports they need, and their recommendations for strengthening the federal government's system of supports for them and their families. Youth from around the country shared their experiences and the Council will use this information to shape future policy, programs, and resources.
- » **Improving the ability for incarcerated parents to maintain their relationship with their family.** The BOP will expand its video service to facilitate face-to-face visits for families, even when they are unable to travel to the facility. BOP is also providing guidance and training

opportunities to help BOP staff make visitation spaces more child-friendly and interact with children in a developmentally appropriate way. In addition, DOJ and HHS are partnering to support a \$1 million effort to develop, pilot and evaluate family-strengthening policies that will help state and local correctional facilities reduce the traumatic impact of parental incarceration on children.

Improving reentry outcomes for special populations

As we work to improve outcomes for those touched by the criminal justice system, it is important to recognize the unique reentry challenges of several special populations, including women, veterans, juveniles, and American Indians/Alaska Natives. This section provides additional context for those populations and briefly describes efforts to improve outcomes for these groups.

There are of course many ways to identify and address the needs of special populations. Individuals with disabilities (hearing, vision, cognitive, ambulatory, self-care, and independent living), for example, are overrepresented in prisons, with an incidence rate three to four times greater than the general public.¹⁰³ Lesbian, gay, bisexual and transgender individuals also face unique challenges while incarcerated, including an increased risk for sexual victimization.¹⁰⁴ And exonerees, who often have nowhere to turn when they are finally released from prison, deserve a national response that begins to help them rebuild their lives. Moving forward, the Reentry Council will consider ways to address the needs of these and other important populations.

Women

Women account for roughly seven percent of the population in state and federal prisons, 14 percent of the jail population, and 12 percent of the parole population.¹⁰⁵ While women make up a small fraction of the total prison population, female imprisonment has risen rapidly, increasing 817 percent between 1978 and 2014 – nearly double the increase for men.¹⁰⁶ The incarceration rate for black women in 2014 (109 per 100,000) was more than double that of white women (53 per 100,000) or Hispanic women (64 per 100,000), although there are more than twice as many white women imprisoned in state and federal facilities as black women.¹⁰⁷

Like men, justice-involved women face significant challenges when they leave jail or prison. However, current systems do not always address needs unique to women, such as reproductive health issues, or challenges that have a disproportionate impact on women. For example, many justice-involved women struggle with both mental health and substance use disorders—often linked to histories of physical or sexual abuse that may start in childhood and continue through adolescence into adulthood, and trauma histories that often played a significant role in the pathway to the criminal or juvenile justice system.¹⁰⁸

Many state and local reentry programs lack a trauma-informed behavioral health or victim services component to address these. Youth and young adults with psychiatric disabilities reentering from the adult prison and juvenile justice systems can also find it hard access mental health services. And while a primary consideration for many incarcerated mothers is to determine how to reestablish a relationship with their children, most state and local systems do not focus on this important aspect of reentry.

To address the needs of justice-involved women, DOL funded the development of a series of [tip sheets](#) for correctional staff conducting reentry planning with incarcerated women. The tip sheets cover career development, education, employment, family reunification, financial literacy, housing, obtaining identification, mental health, mentoring, physical health, self-empowerment, and transportation. NIC has also developed materials specific to justice-involved women including a [Gender-Responsive Policy and Practice Assessment](#) to help agencies assess current and developing policy and programs for women; resources for addressing the human trafficking of justice-involved

White House Senior Advisor Valerie Jarrett and Assistant Attorney General Karol Mason speak with young women at a Girls Mentoring Session sponsored by the U.S. Attorney's Office in the District of Columbia during National Reentry Week, April 24-30, 2016. (Photo: Department of Justice)



women; a weekly news blast “Gender Responsive News for Women and Girls;” “Pregnancy and Child-Related Legal and Policy Issues Concerning Justice Involved Women;” and “Video Visiting in Corrections: Benefits, Limitations, and Implementing Considerations.” Reentry Council agencies are committed to disseminating these resources to state and local officials and continuing efforts to improve gender-responsive care in corrections.

Clearly, the work must continue with this population as the number of women and girls entering our justice systems continues to increase. NIC continues to focus on the risk, needs and strengths of women and girls. Importantly, NIC also partners with other federal, state and local entities, noted throughout the body of this report, to develop evidence-based, gender-informed materials and models of practice for use by the corrections continuum (pre-trial, jails, prisons, community corrections). This work will continue to sharpen our focus on the issues that bring women and girls into the criminal justice system, prepare them for reentry and support their efforts to become contributing members of their families and communities. Together with our numerous partners in the field and with entities such as the BJA-funded National Resource Center for Justice Involved Women, we will continue to disseminate the research, knowledge and practices that will ultimately reduce recidivism for this population.

Veterans

The number of incarcerated veterans is significant. An estimated seven percent of jail and eight percent of state and federal prison inmates have served in the U.S. military.¹⁰⁹ Many justice-involved veterans may be eligible for health care and other benefits from the VA, although their eligibility for some VA benefits is suspended or reduced while they are incarcerated. Family members may be eligible to receive a portion of certain benefits during this time.

To ensure that our nation’s veterans are connected to the services and benefits they have earned, the VA developed the [Veterans Reentry Search Service](#) (VRSS), which quickly and systematically identifies incarcerated individuals with a record of military service so that reentry planning and connection to VA services can begin early. VRSS is now active in 214 jurisdictions across 30 states and the District of Columbia. The VA also revised its administrative policies that limited VA prison outreach to the six months prior to release so that reentry assessment and planning can now begin on

“Once Veterans are identified, they may be eligible to receive a wide range of VA health care services (medical, psychiatric, and social services, including those targeting homelessness and vocational rehabilitation) and benefits (financial and educational) upon release – services that support successful re-entry. As you know, the success or failure of an individual’s re-entry impacts the entire community.”

**VA Secretary
Robert McDonald,
Letter to Corrections
Officials, August 14, 2015**



Reentry Council meeting on July 29, 2015. (Photo: Department of Justice)

the first day of incarceration. Additionally, the VA expanded eligibility for its health care services to those who are in halfway houses.

The VA has reached more than 170,000 justice-involved veterans through direct outreach in prisons, jails, and criminal courts – including more than 1,000 state and federal prisons, and the estimated 350 Veterans Treatment Courts (VTCs) and other veteran-focused court programs. The purpose of this outreach is to connect veterans with needed mental health, substance use, and other clinical services when possible as an alternative to incarceration. Through the National Association of Drug Court Professionals, BJA trains approximately 10 new multi-disciplinary teams each year so that they are well equipped to implement new VTCs. NIC has developed resources including a [webpage](#), archived webinars, and a promising practices [guide](#) for VTCs to increase understanding and awareness of issues relating to combat veterans who enter the criminal justice system.

NIC, in partnership with BJA and the Center for Court Innovation, also developed a risk-need assessment tool and case planning protocol specific to justice-involved veterans that factors in the complexities of war trauma. The tool and protocol are currently being pilot tested in three jurisdictions. NIC is also in the process of developing a training curriculum for jurisdictions that will address such veterans' issues as Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), military culture, and difficulties transitioning from military to civilian life. The curriculum will be pilot tested in FY17.

VA and DOJ are partnering to continue coordinated efforts to support justice-involved veterans. DOJ has funded the development of a curriculum specifically about providing veteran-informed care in reentry programs. The VA will continue building partnerships with legal aid providers to help veterans address unmet legal needs that can often present barriers to housing stability and positive health outcomes. VA will promote the formation of Medical-Legal Partnerships which entail close collaboration between clinical staff and legal aid providers to coordinate health care, social service, and civil legal aid services for at-risk veterans.



Education Secretary Arne Duncan and Attorney General Eric Holder visited the Northern Virginia Juvenile Detention Center School to announce juvenile correctional education guidance package, December 8, 2014. (Photo: Department of Education)

Juveniles

On a given day in 2013, approximately 54,000 youth were held in secure and non-secure residential placement facilities.¹¹⁰ This contact – any contact – with the juvenile justice system has a significant impact on adolescents' development and their prospects for long-term success. Thus, juvenile reentry encompasses more than just aftercare for youth returning to the community from secure confinement. It is a process that begins the moment youth come into contact with the juvenile justice or adult prison systems, helping them transition from the justice system to a crime-free, productive adulthood.

Youth typically face a host of challenges to making this transition successfully, including receiving the necessary support from their families, peers, and communities; enrolling in an appropriate educational or vocational setting; maintaining a continuity of treatment for psychiatric disabilities or substance use disorders; and transitioning to adulthood and economic independence. Jurisdictions are more likely to reduce reoffending and improve other key outcomes for youth by adopting and effectively implementing the integrated set of policies and practices demonstrated as effective in helping youth to overcome these challenges.

Reentry Council agencies are committed to ensuring that youth who have been involved in the juvenile justice system have access to meaningful opportunities to get their lives back on track. To improve access to education opportunity, ED and DOJ released a [correctional education guidance package](#) to inform the efforts of states, school districts, and juvenile justice facilities that serve court-involved youth. The package (also discussed in the education section of this report) includes a clarification from ED stating that youth in juvenile facilities are eligible for federal Pell Grants. ED and DOJ will continue to provide joint technical assistance to state and local agencies, develop new self-assessment instruments, and will monitor implementation efforts.

To help youth explore future possibilities, the DOL released [GetMyFuture.org](#), a mobile-friendly web application that helps youth plan their careers, explore education and training options, and search and apply for jobs. This tool resources to help youth overcome the challenges of substance use disorder, criminal conviction, or lack of financial, family, or community support.



Attorney General Eric Holder meets with young men at the Brotherhood Crusade Youth Source Center in Los Angeles, October 23, 2014.
(Photo: Department of Justice)

OJJDP also recently announced its *Initiative to Develop Juvenile Reentry Measurement Standards* which will establish a model to help jurisdictions measure services and outcomes in juvenile reentry, help align measurement practices across jurisdictions, and improve the assessment of juvenile reentry services' impact on public safety and youth outcomes.

In February 2014, President Obama launched the My Brother's Keeper (MBK) initiative to address persistent opportunity gaps faced by boys and young men of color and ensure that all young people can reach their full potential. The work of the Reentry Council agencies, especially as it relates to juveniles, directly addresses recommendations made by the My Brother's Keeper Taskforce in their 2014 Report to the President and helps to achieve MBK goals. Specifically, the Reentry Council's efforts address Recommendation 11.3: *Reform the juvenile and criminal justice systems to reduce unnecessary interactions for youth and enforce the rights of incarcerated youth to a quality education* and Recommendation 11.4: *Launch an initiative to eliminate unnecessary barriers to*

giving justice-involved youth a second chance. By collaborating across agencies, and in coordination with the MBK Taskforce, the Reentry Council is elevating this critical work across the federal government.

American Indian and Alaska Native Tribes

American Indians and Alaska Natives (AI/AN) are incarcerated at a rate 25 percent higher than the general population.¹¹¹ Of further concern is the rate of violent crime in some AI/AN communities and the fact that this violence is often directed at the most vulnerable members of the community, at rates that far exceed the rates off the reservations. Specifically, domestic violence against American Indian women occurs at heightened rates, and an American Indian female has a staggering one in three chance of being sexually assaulted in her lifetime.¹¹² The public safety challenges faced by AI/AN communities are exacerbated by the unique challenges that AI/AN who are returning to their communities face after incarceration in state or federal prison. High unemployment compounded by a lack of affordable and adequate housing and limited higher education opportunities magnifies challenges for returning individuals.

Reentry Council agencies have made some progress in assisting AI/AN communities, but there is much left to do. In 2014, the Bureau of Indian Affairs (BIA) Office of Justice Services implemented a new Diversion and Re-entry Division to begin building infrastructure for more effective alternatives to incarceration as well as intervention options intended to reduce recidivism. The primary focus has been implementing standardized need, risk and responsibility assessment to guide individuals appropriate for diversion to improved access to treatment services that include well-prepared reentry plans, highly structured follow-up support, and outcome evaluation.

As part of the President's commitment to protect and promote the development of prosperous and resilient tribal communities, BIA received funding in FY 2015 and 2016 to support and implement the Tiwahe Initiative. Tiwahe means family in the Lakota/Dakota language. It symbolizes the interconnectedness of all living things and one's personal responsibility to respect and honor family, community, and the environment. In 2015, BIA awarded Tiwahe funding to four tribal communities,¹¹³ and provided each with financial and administrative resources to develop a coordinated service delivery model plan focused on family, community, and tribal culture, and that will strategically address the interrelated problems of substance use and misuse, child abuse and neglect, poverty, family violence, high unemployment, and a disproportionately high incidence of incarceration and recidivism.

The Administration's commitment to working collaboratively in support of tribal communities is also seen at DOJ. Through the Second Chance Act and Coordinated Tribal Assistance Solicitation, DOJ offers resources and tribal-specific [strategies](#) that can support AI/AN communities and states interested in implementing effective reentry assessment, supervision, and services for tribal members serving in federal, state, and local settings, as well as pre-release services in tribal and



Attorney General Eric Holder meets with a group of American Indian teenage boys in Bismarck, North Dakota, to discuss their experiences and interactions with the criminal justice system, June 5, 2014. (Photo: Dennis J. Neumann for United Tribes Technical College)

state prisons and jails.¹¹⁴ DOJ will also expand tribal-specific TA to address jail-based and prison-based reentry through its FY 2016 Tribal Capacity Building Training and Technical Assistance Solicitation.¹¹⁵

DOJ's Tribal Civil and Criminal Legal Assistance Program funds non-profit organizations to provide legal assistance to qualifying tribal member respondents and criminal defendants in tribal court criminal proceedings, as well as AI/AN governments, and capacity-building activities requested by tribes. DOJ will also develop information about the civil and criminal collateral consequences that result from incarceration by working with the National American Indian Court Judges Association, the Native American Rights Fund and its subgrantees (twenty-four Indian Legal Service Offices located in 23 states), the Tulalip Foundation of the Tulalip Tribes, American Probation and Parole Association and local tribal justice teams. This will be the first step to addressing collateral consequences in tribal communities.

In addition, the Attorney General's Advisory Committee's Native American Issues Subcommittee (NAIS), which is comprised of United States Attorneys whose districts contain Indian Country or one or more federally recognized tribes, is responsible for making policy recommendations

to the Attorney General regarding public safety and legal issues that impact tribal communities. This year, the NAIS has included reentry as a priority area of focus and is exploring promising practices resulting from collaboration between federal and tribal governments. It is reviewing the unique barriers impacting much of Indian Country such as geographical isolation, cultural sensitivities, historical trauma, substance use and poverty and their impact on reentry efforts, and has highlighted several successful tribal reentry programs to examine how they could be replicated in other tribal communities.

We are encouraged by recent collaborations among tribal, federal, state and local partners to find culturally-appropriate strategies to aid the reintegration of formerly incarcerated individuals into tribal communities, and broader efforts to address the underlying root causes of this disproportionate incarceration. However, we recognize that there is a great deal of work ahead to engage and empower tribal communities working toward successful reentry.

FEDERAL ROADMAP TO REENTRY

Under the Obama Administration, DOJ has taken major steps to make our criminal justice system more fair, more efficient, and more effective at reducing recidivism and helping formerly incarcerated individuals return to their communities. In April 2016, Attorney General Loretta Lynch released the [Roadmap to Reentry](#), which identifies five evidence-based principles to guide federal efforts to improve reentry outcomes.

Spanning the cycle of custody and beyond, the principles articulate that those incarcerated in BOP facilities should be provided:

- I. an individualized reentry plan tailored to his or her risk of recidivism and programmatic needs;
- II. education, employment training, life skills, treatment for substance use and mental health disorder; and other programs that target their criminogenic needs;
- III. resources and opportunity to build and maintain family relationships;
- IV. individualized continuity of care during transition back to the community; and
- V. comprehensive reentry-related information and access to resources, prior to release.

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In addition, the Department has recently taken the following actions:

Launched a **multi-year initiative to enhance and expand BOP's education program**, placing a high priority on academic and job training opportunities, as well as an initiative to develop a standardized core curriculum for BOP's Release Preparation Program.

Launched a **comprehensive assessment of BOP programming** to ensure the programs target the individual criminogenic needs of the incarcerated population, and established a Disabilities Management Committee to enhance programs and resources for those with disabilities.

Increased **opportunities for family engagement** by expanding a video service in prisons, launching a pilot program at four facilities to engage children of incarcerated parents in positive youth development activities, and issuing best practices guidance and training for BOP staff on creating child-friendly visiting spaces and interacting with children during visitation.

Launched a **comprehensive assessment of federal Residential Reentry Centers**, also known as halfway houses, to identify and implement improvements that will provide enhanced reentry support to residents during the critical phase of transition back to the community.

Called on every state governor to partner with BOP to help ensure that citizens returning from federal prison are able to obtain **state-issued identification** upon release. BOP will work with states to allow returning citizens to exchange their BOP identification for state IDs, and will continue to explore additional strategies for increasing the number of returning citizens with identification documents.

Published a new **reentry handbook** that provides specific, detailed instructions and advice on issues commonly experienced during reentry that will be provided to all individuals leaving federal facilities. The reentry manual was printed by individuals working in the Federal Prison Industries program.

Launched a new **reentry services hotline** (1-877-895-9196) to provide assistance to recently released individuals. This hotline is staffed by individuals working in the Federal Prisons Industries program who are specially-trained to provide assistance to those recently released from federal prisons as they navigate various reentry challenges and seek community resources.



Attorney General Loretta Lynch visits Federal Correctional Institute in Talladega during National Reentry Week, April 29, 2016.
(Photo: Department of Justice)

Conclusion

With the collective commitment of leaders across the government and across the country, the Reentry Council is working to promote successful reentry and reintegration for individuals returning from prison and jail. Strengthening opportunities for second chances will not only improve outcomes for justice-involved populations, it will also reduce recidivism and victimization – creating safer communities – and save taxpayer dollars spent on the direct and collateral costs of incarceration. Since 2011, the Reentry Council has made great strides toward reducing unnecessary barriers and collateral consequences while expanding access to healthcare, housing, education, employment, and other resources integral to successful reentry. Still, much work remains. The Council has developed a robust set of policies, programs, and training materials to support the reintegration of formerly incarcerated individuals and reduce barriers for those with a criminal record. Now, our focus must be on implementation: ensuring that the field is aware of these resources and building capacity to implement them on the ground. The Reentry Council's path forward will be guided by an overarching commitment to realizing the goals described in this report – and ensuring that the tools for successful reentry reach the communities that need them most.

“While the people in our prisons have made some mistakes – and sometimes big mistakes – they are also Americans, and we have to make sure that as they do their time and pay back their debt to society that we are increasing the possibility that they can turn their lives around.”

**President Obama,
Speech at the NAACP
Convention, July 14, 2015**



President Barack Obama hugs Kemba Smith during a greet with formerly incarcerated individuals who have received commutations, in the Roosevelt Room of the White House, March 30, 2016. Following that meeting the President took the group to lunch at a local restaurant. (Official White House Photo by Pete Souza)

Reentry Council Resources

GENERAL REENTRY

[Federal Interagency Reentry Council](#)

[Reentry Council Snapshots](#)

[Reentry Myth Busters](#)

[National Reentry Resource Center](#)

[What Works in Reentry Clearinghouse](#)

[National Criminal Justice Initiatives Map](#)

[Reentry Council Agencies Funding Opportunities](#)

[Reentry Toolkit for United States Attorneys' Offices \(DOJ\)](#)

EMPLOYMENT

Guidance and Regulations:

[Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act of 1964 \(EEOC\)](#)

[Guidance for Public Workforce System on Nondiscrimination Provisions and Criminal Record Restrictions \(DOL\)](#)

[Directive for Federal Contractors on Nondiscrimination Provisions and Criminal Record Restrictions \(DOL\)](#)

[Proposed "Ban the Box" Rule for Federal Employment \(OPM\)](#)

[Microloan Program Expanded Eligibility Rule \(SBA\)](#)

Publications, Fact Sheets, and Other Tools:

Background Checks: Key Information for Employers and Job Applicants/Employees (EOC/FTC)

Consumer Information: Reentry and Corrections Education (FTC)

Consumer Reports: What Employers Need to Know and Background Checks: Tips for Job Applicants and Employees (FTC)

The Fair Chance Business Pledge (White House)

GetMyFuture Career Planning Application for Youth (DOL)

Introduction to the Subsidized and Transitional Employment Demos and the Enhanced Transitional Jobs Demo (HHS)

Reentry Business Portal (DOL)

The Reentry and Employment Project (Council for State Governments Justice Center)

What Employment Background Screening Companies Need to Know About the Fair Credit Reporting Act (FTC)

EDUCATION

Guidance and Regulations:

Beyond the Box Guide for Higher Education Admissions and Letter for Higher Education Hiring (ED)

Correctional Education in Juvenile Justice Facilities Guidance Package (ED)

Federal Pell Grant Eligibility for Students in Juvenile Justice Facilities: Dear Colleague Letter and FAQs (ED)

Workforce Innovation and Opportunity Act Final Rules: Overview, Detailed Look, and Big Picture Fact Sheets (ED)

Publications, Fact Sheets, and Other Tools:

Federal Student Aid Eligibility for Students Confined in Correctional or Juvenile Justice Facilities (ED)

Guide to Federal Student Aid for Students with Criminal Convictions (ED)

How Do Drug-Related Convictions Affect My Student Loan Eligibility? (White House)

Practice Guide: Quality Education for Youth Involved with the Juvenile Justice and Child Welfare Systems (ED)

Reentry Education Model and Reentry Education Model Implementation Study (ED)

Reentry Education Toolkit (ED)

[Second Chance Pell Pilot Program \(ED\)](#)

[Take Charge of Your Future: Get the Education and Training You Need \(ED\)](#)

HOUSING

Guidance and Regulations:

[Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Housing Providers \(HUD\)](#)

[Guidance for Public Housing Agencies and Owners of Federally-Assisted Housing on Use of Arrest Records \(HUD\)](#)

[Dear Colleague Letters on Eligibility for HUD-Assisted Housing: for Public Housing Executive Directors and Multi-family Property Owners \(HUD\)](#)

Publications, Fact Sheets, and Other Tools:

[Connecting People Returning from Incarceration with Housing and Homelessness Assistance \(USICH\)](#)

[Opening Doors: Federal Strategic Plan to Prevent and End Homelessness \(USICH\)](#)

[Reducing Homeless Populations' Involvement in the Criminal Justice System \(DOJ\)](#)

[Searching Out Solutions: Constructive Alternatives to Criminalization \(USICH/DOJ\)](#)

[Homelessness Solutions and Tools for Action Databases \(USICH\)](#)

[It Starts with Housing: Public Housing Agencies are Making Second Chances Real \(HUD\)](#)

HEALTHCARE, TREATMENT, AND OTHER FEDERAL BENEFITS

Guidance and Regulations:

[Drug Convictions and TANF Guidance \(HHS\)](#)

[Guidance on Medicaid Access for Reentering Individuals \(HHS\)](#)

[Guidance to Surveyors on Federal Requirements for Providing Services to Justice Involved Individuals \(HHS\)](#)

[Letter to State Medicaid Directors on HITECH Incentives for Electronic Health Records \(HHS\)](#)

Publications, Fact Sheets, and Other Tools:

[Best Practices Guide to Reducing Suspended Drivers \(DOT\)](#)

[Health Coverage for Incarcerated People \(HHS\)](#)

- GAINS Center for Behavioral Health and Justice Transformation (HHS)
Incarceration and the Marketplace FAQs (HHS)
Importance of Medicaid Coverage for Criminal Justice Involved Individuals Reentering Their Communities (HHS)
National Drug Control Strategy (White House)
Supplemental Nutrition Assistance Benefits for Reentry (USDA)
Social Security Benefits after Incarceration: What You Need To Know (SSA)
SSI Spotlight on Prerelease Procedure (SSA)
State Profiles of Health Care Information for the Criminal Justice System (DOJ)
Medication Assisted Treatment in Drug Courts (ONDCP)
Medication Assisted Treatment Programs for Justice Involved Populations (ONDCP)

CHILDREN OF INCARCERATED PARENTS AND FAMILIES

Guidance and Regulations:

- Proposed Rulemaking: Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs (HHS)

Publications, Fact Sheets, and Other Tools:

Children in Foster Care with Parents in Federal Prison: Toolkit for Service Providers (HHS/DOJ)

Children of Incarcerated Parents Project: Framework Document, Webinars, and Toolkits on Parental Arrest Policies, Family-Focused Jail Programs, and Family Impact Statements (Urban Institute/DOJ)

Children of Incarcerated Parents Web Portal (HHS)

Guide for Incarcerated Parents with Children in the Child Welfare System (HHS)

A Guide to Video Visiting in Corrections (DOJ)

Mentoring Children of Incarcerated Parents Report (DOJ)

National Institute of Corrections Children of Incarcerated Parents Resource Webpage (DOJ)

National Resource Center on Children and Families of the Incarcerated

Office of Child Support Enforcement Reentry Resource Webpage (HHS)

Realistic Child Support Orders for Incarcerated Parents Fact Sheet (HHS)

Safeguarding Children of Arrested Parents Report and Training (DOJ)

REENTRY ASSISTANCE FOR SPECIAL POPULATIONS

Publications, Fact Sheets, and Other Tools:

- [Bureau of Justice Assistance Tribal Reentry Fact Sheet \(DOJ\)](#)
- [National Reentry Resource Center's Tribal Affairs Page \(DOJ\)](#)
- [National Resource Center on Justice Involved Women \(DOJ\)](#)
- [National Institute of Corrections Women and Veterans Resource Webpages \(DOJ\)](#)
- [Reentry Tip Sheets for Women \(DOJ\)](#)
- [Health Care for Reentry Veterans Program \(VA\)](#)
- [Veterans Justice Outreach Program \(VA\)](#)
- [Veterans Treatment Courts: A Second Chance for Vets Who Have Lost Their Way \(DOJ\)](#)
- [Veterans Reentry Search Service \(VA\)](#)
- [Native American Traditional Justice Practices \(DOJ + DOI\)](#)
- [Post-Conviction Victim Service Providers: Selected Resources \(DOJ\)](#)

COLLATERAL CONSEQUENCES

Publications, Fact Sheets, and Other Tools:

- [National Inventory of the Collateral Consequences of Conviction \(DOJ\)](#)
- [Occupational Licensing: A Framework for Policymakers \(CEA\)](#)
- [U.S. Attorney General's Letter on Collateral Consequences \(DOJ\)](#)
- [U.S. Attorney General's Memo to Heads of Department of Justice Components and U.S. Attorneys \(DOJ\)](#)

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