

## Chapter 8

# Release and Reentry



You may not control all the events that happen to you, but you can decide not to be reduced by them.—Maya Angelou

Reentering society can be one of the most difficult obstacles a justice-involved person can face in their lifetime. All facets of one's life change instantly upon release from prison. The controlled environment of a prison facility allows an inmate to create a routine and have stability in relationships and daily activities. A person behind bars knows exactly when the next phone call to a loved one will take place, the next meal, activity time, etc. These things are no longer regular, or controllable, on the outside in society. Often times, individuals struggle in the chaos that exists outside the prison walls. The best chance for success involves planning and preparing for those changes and learning coping skills to handle them in a healthy manner. Unfortunately, this is not always realistic on many levels. The most comprehensive evaluation of prisoner (e.g., excludes jail inmate) recidivism available reveals that 30.4% of prisoners return to prison within a year, 43.3% return in 2 years, 49.7% return in 3 years, 52.9% return in 4 years, and 55.1%—over half—return in 5 years (Durose, Cooper, & Snyder, 2014). If one simply looks at prisoners being arrested after release, many of which require stays in jail as arrestees await criminal justice processing, the statistics are even bleaker: 43.4% are arrested within a year, 59.5% within 2 years, 67.8% within 3 years, 73.0% in 4 years, and 76.6% in 5 years. Further, a large proportion of individuals rearrested after release from prison are drawn back into the criminal justice system (including jails and diversion programs), typically through a sanction by the court and/or by probation/parole violations and revocations. Ultimately, the plan to reduce contact with the criminal justice system exists within the transition planning before, in the moment of, and after release from incarceration, with the courts and probation/parole being key players in the reentry movement. This needs to include both jails and prisons, but importantly, it needs to include a mental health element more substantial than just attending to substance abuse treatment issues.

## 8.1 They're Back! But They Aren't Poltergeist: Stigma Revisited

Think about reentry akin to many common “phases” of one’s life span—the transition from high school to college (e.g., emerging adulthood), the transition from college to the work force (e.g., adulthood), the transition of living with a spouse and/or parenthood, etc. Now, think about how complex these transition periods would be after a significant negative stretch in a person’s life. Leaving jail or prison and going back to “the real world,” and even leaving a substance abuse treatment facility or mental health setting, is often daunting. All of these transitions can be wrought with anxiety-provoking situations, such as the fear of the unknown or, simply, the fear of failure and of the implications of such. This time frame creates a very vulnerable space for many people—feelings of uncertainty and pressure seem omnipresent in an already unstable time.

The key problem to success is revealed when one realizes that this tricky transition period is often complicated by past and current experiences of trauma. One well-done study on prevalence rates of trauma experienced by male prisoners details the extent of this issue—44.7% inmates were exposed to physical trauma as a minor, 31.5% as an adult, and 25.1% as both a minor and as an adult. These rates exclude sexual trauma—10.9% of inmates were exposed to sexual trauma as a minor, 4.5% as an adult, and 3.7% as both a minor and adult (Wolff & Shi, 2012). One last rate to keep in mind, those who have experienced both physical and sexual trauma—9.6% of inmates experienced both as a minor. The prevalence rates of trauma exposure are even more staggering for incarcerated women. For both men and women, the vast majority of these experiences remain untreated, and many men remain undiagnosed to the mental illnesses these traumatic experiences can have a role in triggering. Now, imagine entering an important transitional period in your life with these confounding issues weighing on you.

The vast majority of people going to prison are nonviolent and are inevitably going to come back to the community—and many do not tend to come back “better” at this time. Reentry is a *normal* event as 100 million American adults (about one-third of working age adults) are cataloged in state criminal history systems versus roughly 69 million American adults 25 and older having bachelor’s degrees; and 6.6% of Americans born in 2001 are estimated to serve time in a prison at some point in their lives (BJA, 2014; Bonczar, 2003; Ryan & Bauman, 2016). Many more Americans have experienced incarceration in their lifetimes, either jail or prison—the exact amount remains unknown as available jail data is unable to reveal this figure. The point is that while reentry is normal in the sense that it is common, the label of being an ex-offender remains potently stigmatic. This label potentially intensifies with complications of mental health. American criminal justice is revising its approach as a result. Yet, those with mental illness are likely to have continued problems as the capacity to deal with high-risk individuals begins to grow and expand.

Maruna and LeBel (2003) aptly discuss the role of stigma in the reentry context as the criminal justice system begins to reshape the paradigm of corrections to (re-) include social services. In this new approach they call the strengths-based paradigm, Maruna and LeBel point out that criminal justice practitioners are pushed to ask what positive contributions inmates can offer instead of the old question of what deficits people in the system may have:

In the reentry context, the strengths *narrative* begins with the assumption that ex-convicts are stigmatized persons, and implicitly that this stigma (and not some internal dangerousness or deficit) is at the core of what makes ex-convicts likely to re-offend....[This push towards criminal involvement] is clearly based on a labeling/social exclusion story - on which, of course, the very idea of "reintegration" is also premised. Johnson (2002, p. 319) writes, 'released prisoners find themselves "in" but not "of" the larger society' and 'suffer from a presumption of moral contamination.' To combat this social exclusion, the strengths paradigm calls for opportunities for ex-convicts to make amends, demonstrate their value and potential, and make positive contributions to their communities. (Maruna & LeBel, 2003, p. 97; also quoting Johnson, 2002)

It is through these opportunities of contributing to society that can begin the de-labeling process for stigmatized people, part of what Maruna calls "making good" (Maruna, 2001). The us in the us-versus-them paradigm can begin publicly recertifying and reclassifying an individual as returning back into the group, in a very tribal sense. This reciprocal relationship can offer the stigmatized person hope while also showing the public that the ex-offender is worthy of support and investment as they reintegrate back into the community (Maruna & LeBel, 2003).

## 8.2 How Are We Dealing with It?

Generally speaking, there are three broad approaches to reentry: (1) jail to community reentry, (2) prison to community reentry, and (3) reentry court. Before explaining each approach, it is first important to note here that the existing literature on what works in reentry converge on this point: holistic services designed to address individual offender needs that begin prior to release and continue in an aftercare situation are most apt to be successful (Wolf, 2011; Lowenkamp, Latessa, & Holsinger, 2006; Osher, 2006; Osher, 2007; Petersilia, 2004; Pearson & Lipton, 1999; Travis & Visher, 2005). This consistent finding is, in part, driving previously isolated and siloed pieces of the criminal justice and mental health systems to begin collaborations and seek broader partnerships. If a true continuum of care is to be devised to ensure successful reentry (e.g., not returning back to prison, encouraging pro-social and healthy lifestyles, and self-sufficiency), communication and coordination is paramount.

One of the first tasks of these emerging partnerships often becomes trying to figure out how to maximize returns on extremely limited resources. The validated risk and need screening and assessment tools described in Chap. 5 become critical to accomplish this goal. When used properly, these tools not only match which

evidence-based programs and services will help each individual returning back to the community; they can help prioritize available resources—particularly the most intensive (and often the most costly) ones—to those who are at most in critical need. Yet, the goal for each approach should be to begin services as early on, as well as during the transition back to the community, and continue these services to ensure successful reintegration.

### **8.2.1 Jail to Community Reentry**

Jail-based reentry can often be tricky due to the short amount of time jail professionals have to work with. Improvement in mental health outcomes can only be realized through an ability to track data on inmate connectivity to services, whether in jail or back in the community. Without such data, it may be impossible to detect the moments people fall through the cracks of the system, often only to inevitably return to an emergency room, the jail, or the medical examiner or coroner's office. In 2008, Jeff Mellow and colleagues authored an extensive *Toolkit for Reentry* for jail administrators, which continues to offer terrific structure for reentry for jail inmates depending on length of stay in jail and level of risk and need. These best practices have not changed much since, and many jails are striving to improve. Changes are occurring slowly as the focus on jail administrators continues to be to provide a constitutional jail—as a result, many of these improvements may be construed as above and beyond instead of standard practice at this time.

The toolkit begins by describing four discrete tracks, or paths, of jail inmates. Track one refers to the easiest swath of jail inmates, those with low needs and/or have a very short stay ahead of them in jail. These individuals should receive easy-to-use resource guide to assist them in the reentry process. Services such as help finding housing, employment, substance abuse treatment and support, legal aid, and so on should be included and presented on a basic reading level. While the ideal goal of jails should be to screen and assess everyone coming through booking, it may not be possible to do so in every case depending on timing of release, personnel available to screen and assess, and volume of individuals going through the booking process. To enhance the ability to capture individuals needing services in this track, jail administrators may provide training to their booking staff to give them a keener eye of identifying signs and symptoms of mental illness and substance abuse. Additionally, these inmates should receive information on available government benefits, especially Medicaid, as Medicaid is often the primary provider of mental health and substance abuse treatment for vulnerable individuals. In a perfect world, data systems would be set up to allow each individual to be tracked from jail and into the local treatment system (and vice versa). While achieving this ideal may be daunting, it does not have to be. For example, some treatment providers in the New Orleans metropolitan area have linked up with local jails to receive an electronic roster of individuals being booked through the jail on a daily basis. While arduous, providers have tasked staff with monitoring these rosters for “frequent flyers” or

known clients to be able to intervene quickly and provide transitional care as promptly as possible.

Track two is tailored to inmates with medium needs or to those who may just have a longer stay (but have not been identified as high needs). These individuals are able to be successfully screened and assessed. If they are identified as low needs, they are referred to Track one to receive helpful information and resource guides. On faith, it is assumed that these individuals have the wherewithal to guide their own path forward, often with success. At minimum, there is no (or minimal) indication of the potential barriers to successful reentry as revealed by screening and assessment. Inmates in Track two should also receive all of the helpful resource materials, but further, they should also receive an individualized reentry plan to give some structure of activities for these individuals returning back to the community. The best practice here is for jail practitioners to create these reentry plans *in collaboration with* the inmates. Together, staff and inmates can discuss issues with family relationships, housing, health care, mental health, substance abuse needs, and so on. At the end of this process, each inmate will receive an easy-to-follow self-guided plan to aid in their transition back into the community. Appointments with community service providers may be necessary; however, it will be up to each Track two inmate to ensure these appointments are made on their own. At times, some assistance is provided; however, follow-up by jail staff is rare as it is seen as unnecessary. Again, this is where data tools become critical in case local partnerships find that many people in Track two are not getting the services they need after they are released from jail. An ideal reentry plan should, at minimum, address the domains below in Table 8.1.

Track three inmates are those whose risk and needs assessment scores place them as high needs, but not necessarily high risk. In these cases, jail staff are instructed to replicate Track two services while increasing care by coordinating services in the community and having outside partners begin to collaborate on services as early as possible after release. Here, appointments are made prior to release and follow-ups are done to ensure connectivity to services. Track four inmates are those who are high risk and high needs; due to their obvious need for priority, jail staff and community partners often collaborate to begin services while incarcerated, as early as possible, and as intensive as possible. These individuals require immediate access to services, whenever possible with vigilant supervision to ensure compliance and the best chances of success. These individuals should receive concierge-like services to connect them with potential benefits or resources that can aid in their reentry, particularly Medicaid and health care. Further, best practices dictate that a case manager be assigned to them, at minimum, immediately upon release.

While these tracks offer guidance to jail administrators, it is important to recognize that these tracks intend to only offer broad structure to ideal concepts of handling reentry in the industry. In other words, it is intended that these tracks are modified and customized for each jail to match and meet its needs (specifically, the needs of its inmates and target populations). The *Reentry Toolkit* also offers several examples of jurisdictions that have made these customizations: Travis County, Texas; New York City, New York; Davidson County, Tennessee; Essex County, New Jersey; Montgomery County, Maryland; and so on.

**Table 8.1** Domains to be addressed by written reentry plans (Mellow, Mukamal, LoBuglio, Solomon, & Osborne, 2008)

| Domain                                | Description  |
|---------------------------------------|--|
| Mental health care                    | Attend to the proximal and distal mental health concerns; includes substance abuse   |
| Medical care                          | Attend to the proximal and distal physical health concerns; includes tuberculosis, hepatitis, and HIV screening and care   |
| Medications                           | Ensure continuity of prescription drugs  |
| Appointments                          | Ensure that appointments/referrals with service providers in the community are made, reminders are created, and follow-ups occur   |
| Housing                               | Devise a housing plan in partnership with the returning individual, ensure its viability, and evaluate the potential stability it can offer  |
| Employment                            | Connect the returning individual to an employment opportunity and/or employment services specialists; alternatively, or in addition, connect the returning individual to education/vocational development specialists  |
| Substance/alcohol abuse               | Directly connect returning individuals with resources in the community to support recovery and continued sobriety  |
| Health care/benefits                  | Offer services or a referral to services that can offer health benefit enrollment assistance, primarily Medicaid   |
| Income/benefits                       | Offer services or a referral to services that can offer government benefit enrollment assistance such as disability, food stamps, etc.   |
| Food/clothing                         | Offer services or a referral to services that offer food pantries, free or low-cost clothing, and similar assistance   |
| Transportation                        | Connect returning individuals to low-cost and no-cost transportation options in the community  |
| Identification/driver's license       | Partner with local agencies responsible for government identification and be able to provide returning individuals with an official form of ID; try to aid in restoring driver's license privileges, whenever possible |
| Life skills                           | Train returning individuals in life skills such as budgeting, parenting, etc.  |
| Family/children                       | Offer aid and education in regard to child support compliance, family reunification, and so on   |
| Emergency contacts                    | Arm returning individuals with a list of emergency contacts in the community in case they need emergency assistance  |
| Referral services/court dates         | Connect returning individuals with local agencies for potential services/care as well as inform him/her of impending court dates and obligations   |
| Summary, jail-based services provided | Provide an easy-to-read summary of all of the services, treatment, and care given to an individual while in jail as a reference and to aid the future provision of care  |

### 8.2.1.1 An Example of an Early Adopter: Hampden County Sheriff's Department

A prime example of a multifaceted, jail-based reentry program fully integrated in a wider, comprehensive public and mental health system lies in Ludlow, Massachusetts (Solomon, Osborne, LoBuglio, Mellow, & Mukamal, 2008). This story of Hampden County begins in the early 1990s when a concern was raised by the local health clinic professionals when they reflected on their data of missed appointments—it turns out that many patients' missing appointments simply could not make it in because they were held up somewhere else. That somewhere else happened to often be the local jail ran by the Hampden County Sheriff. In the wake of these concerns, the sheriff at the time directed his staff to allow health-care provider entry into the jail in order to provide care—care that was not present in any substantial capacity before this point. Coordination of efforts and justice-mental health (and public health) collaboration was initiated. Shortly after these provider partners started working in the jail, they further realized that a majority of the clients they were seeing day in and day out all were returning to four ZIP codes. With this in mind, the local partnerships sought to target these four ZIP codes by contracting services with the existing community centers there, thereby establishing a reliable continuity of care from incarceration into release.

In 2015, the Hampden County Sheriff's Department reported that continued development of these systems with local partners, now called the After Incarceration Support Systems (AISS), has been utilized by over 17,500 clients. Interestingly, the vast majority of individuals seen by AISS are participating voluntarily, substantially more than individuals on probation and parole—this insinuates a level of success. Beyond insinuation, local analysis shows a substantial reduction of recidivism. These results should also be attributed to the systemic changes to jail policies and procedures to optimize the opportunities of connecting inmates with the services that they need. Upon introspection, jail administration realized that about 90% of their inmates were abusing some form of substance, 87% were male, 40% were under 30 years old, 57% were minorities, 73% were unemployed when they were arrested, 48% did not have a high school diploma or its equivalent, 40% have a mental health problem(s), 55% reported that they did not have positive family support, and about 40% did not have a stable home to return to. Over the years, the jail has perfected its solution; to address these problems, the jail has built the capacity to deploy several evidence-based screening and assessment tools (e.g., Level of Service Inventory (LSI-R), Texas Christian University Drug Screen (TCUDS—a tool in the public domain), the CAGE Assessment, the Clinical Institute Withdrawal Assessment for Alcohol Scale (CIWA-AR), and the Clinical Opiate Withdrawal Scale (COWS)), offer withdrawal protocols, provide treatment services for all levels of risk and need internally or via its partners, and have conceived their role differently, steeped in a public health model:

In Hampden County (Massachusetts), the sheriff's department has developed classification matrices for violent offenders, nonviolent offenders, and those serving mandatory sentences that chart out their time at each security level by sentence length. For example, a nonviolent

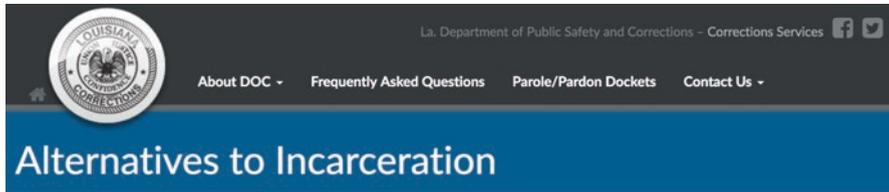
offender serving 18 months who complies with his reentry plan and demonstrates excellent institutional conduct will spend 10 days at medium security, 1 month at minimum security, 2 months at secure prerelease, and the balance (or less) on day reporting (living at home and reporting regularly to the day reporting center). The department's matrices are adjusted regularly on the basis of population levels at the facility and prove to be an effective tool to prevent jail overcrowding and to place individuals at security levels that will allow them to work and receive community-based treatment prior to release. Thus, the classification needs of the institution and the reentry needs of individuals are both served by this process. (Solomon et al., 2008, p. 31)

Further, the collaboration has led to the development of a reentry crown of the local system—the AISS One-Stop Reentry Center—perfectly located for broad community impact in the Mason Square neighborhood. At this center, case manager aids in connecting individuals with intensive “wrap” services, all provided on-site by its community partners. These services include early recovery support, health and mental health services, psychiatric services, parenting groups for men and women, male violence interventions, targeted health care for homeless individuals, intensive outpatient services, job support groups, peer-led support groups, writing groups (for women), food bank services and assistance with the SNAP application process, anger management, housing support, educational services, employment services, employment retention support, mentorship, resource and support group for sex offenders, support groups in Spanish, and a women's only support group. With all of these services, in addition to other sites of support such as the Substance Abuse Unit inside of the Hampden County Jail, the substance abuse services for women at the Western Massachusetts Regional Women's Correctional Center, and the Western Massachusetts Correctional Alcohol Center (which also specializes in opioid treatment as 65% of individuals in this setting have histories of opioid abuse), individuals across the risk and needs spectrum are almost certain to receive tailored services that so critically begin during incarceration and stick with the ideal of treating an individual in the least restrictive setting, in this case, as soon as possible (Fig. 8.1).

These innovations have spread across the country: San Bernardino, Snohomish County, New York City, Suffolk County, Montgomery County, Atlantic County, Norfolk County, Douglas County (OR), Miami-Dade County (FL), Maricopa County (AZ), Westchester County (NY), and Essex County offer stellar examples of how others are finding solutions that work best for the local community.

## **8.2.2 Prison to Community Reentry**

Due to the massive numbers of individuals already in prison of which an estimated 95% are bound to return back into the community at some point, prisons are increasing their capacity to install robust reentry programming before release as well. Prisoners may face considerably more challenges simply due to the length of their stay away from society. Pro-social relationships (e.g., family) may further be strained, financial obligations may falter (e.g., forcing a repossession of a car), debts may loom, and issues with reinstating a driver's license may grow complicated (e.g.,



Data of Louisiana's offender population shows that offenders are most at risk of returning to prison within the first two years of release, often because they lack programs and services to achieve stability in their communities. Sometimes, they fall back into old patterns and associations. As a result, the Department has established alternatives to incarceration. P&P Officers refer probationers and parolees to a variety of programs in the community designed to address the issues they commonly face, including substance abuse treatment, mental health treatment, sex offender treatment, anger management, job training/skills programs and driving schools.

In 2014-15, the Division of Probation and Parole opened five Day Reporting Centers (DRC) in addition to the three that already existed. There are now DRC's in the following locations: Monroe, Lake Charles, Alexandria, Baton Rouge, Covington, Lafayette, New Orleans, and Shreveport. DRC's serve the local area offenders, providing life skills, job training and various treatment.

To further reduce costs while continuing to provide safety for the community, certain probation and parole non-violent, non-sex offenders that commit technical violations of supervision (i.e. they are not arrested for a new felony) are referred to the Don Francois Alternative Center. This 90-day program addresses the rehabilitation needs of the offender, including but not limited to, substance abuse treatment and anger management programs. Offenders are returned to supervision upon completion of the program.

**Fig. 8.1** Infographic on Day Reporting Centers in Louisiana, courtesy of the Louisiana Department of Public Safety and Corrections

outstanding traffic tickets may force heavy fines or further legal trouble). Additionally, inmates with health conditions may not receive optimal care behind bars and/or prison may place them at increased risk of contracting blood-borne pathogens, human immunodeficiency virus, hepatitis, syphilis, gonorrhea, chlamydia, and tuberculosis; they will, however, receive a level of care protected by the constitution (Bick, 2007).

In light of these challenges, the robust reentry processes described for inmates returning from jail must be further refined to be able to produce successful results. This can become daunting given the sheer relative volume of individuals on schedule to be released across the country. Some correctional leaders are also exploring options for an enhanced, step-down release that features the removal of inmates from a prison setting and places them into other facilities that may offer the sort of reentry process installed at the Hampden County Jail. That is, with excellent conduct and lower security risk (e.g., risk and need), inmates may benefit from more independence and freedom while still incarcerated in the form of minimum security housing, work release, and perhaps even release back to the community with day reporting requirements (and, most likely, an electronic monitoring bracelet).

### 8.2.2.1 A Gem in the Rough: Lafayette Parish Sheriff Reentry

In Louisiana, where robust reentry programs remain quite scarce, the Lafayette Parish Sheriff's Office (2011) has been able to replicate successful reentry models in Georgia and Minnesota and customize it for the local area. At this time, many Louisiana

prisoners are slated to receive 100 hours of life skills programming, be given a 90-day prerelease packet with helpful resources, and be placed on community supervision. After screening potential Department of Corrections inmates for eligibility (risk needs screening and assessment, physical and mental health assessments, security level determination, trades and skill level assessment, and verified local area resident), the Lafayette Parish Sheriff's Office Reentry Model operates in phases.

Upon admittance to the program, an inmate gets placed at the community corrections campus—a new facility solely dedicated to reentry. A case plan is developed with a case manager and Phase I begins. Services in Phase I include manualized Moral Reconciliation Therapy led by trained personnel, mental health services, educational services, vocational training (forklift certification and custodial management certification are available at this time), drug and alcohol treatment, group meetings, a life skills curriculum, anger management, financial planning and employment preparation, assistance with obtaining identification, and family reunification. For higher-risk inmates, Phase II will be required after the completion of Phase I. This phase includes relapse prevention, Courage to Change, anger management, continued educational services, and more. For low-risk inmates, the transitional work program becomes available after the completion of Phase I and includes employment and educational services as well as aftercare (i.e., when these individuals are not working out in the community). Everyone at all security levels will have a 90-day prerelease program which features housing and employment assistance, financial planning, medical referrals, family reunification, and help obtaining clothing, benefits (food, disability, health care, etc.), and transportation and help create linkages to community resources. At successful completion, each inmate is transferred to community supervision and is released.

It is the hope that individuals at all risk levels receive the services they need for success. Further, the sheriff and the local area partnerships continue to explore gaps in care and better ways to ensure a continuum of care. Internal assessment shows improvement in short-term outcomes; yet, jail administration continues to look for improvements, particularly in available vocational training that links up with well-paying and needed jobs in the community.

### **8.2.3 Reentry Court**

A concept attributed to Jeremy Travis (2000), Reentry Court is an intensive court-supervised program catering to the rehabilitation of persistently justice-involved offenders often with substance use disorders and mental health histories. Further, these individuals may exhibit symptoms stemming from complex trauma that may surmount in a post-traumatic stress disorder diagnosis or something similar (e.g., unspecified trauma and stressor-related disorder; Miller & Khey, 2017). Most reentry courts across the nation have been modeled off of the evidence base and structure of specialty courts, such as adult drug court, but not always; reentry courts refer to any programming featuring release from prison with judicial oversight. This

oversight has been explained as an essential feature to ensure compliance and to prevent failure (e.g., the return to prison) by constructively using sanctions to modify behavior and to intervene when those released from prison begin to go down a wrong path or relapse. Further, court supervision gives the ability to intervene and therapeutically respond to problems that arise that may be precursors to triggers, relapse, and reoffending. In particular, a large share of focus has been spent on employment as research has uncovered that success in this domain is paramount to success in the transition back to society. In 2015, Cook and his colleagues point out:

...[O]ne potential limitation of previous efforts to improve the employment outcomes of re-entering prisoners is that they only start providing services after exiting from prison. It may be that post-release programs start too late to help ex-offenders deal effectively with the multiple challenges associated with employment, family relations, substance abuse, and other aspects of re-entry. (p. 358)

In one of the most sophisticated analyses of a comprehensive employment-oriented prisoner reentry program located in Milwaukee, Cook and his colleagues review 236 high-risk offenders with a history of violence or gang involvement who receive services in prison, yet do not receive judicial oversight into release. Their results were less than encouraging. While they did find that the services provided in prison seemed to help with the improvement of human capital of those returning back to the community, earnings continued to be quite low on average. Bleakly, these researchers concluded that legal work continues to be unimportant “in the economic lives of released prisoners.”

Currently, there are 29 reentry courts operating across the United States, 9 of which have been funded by the Department of Justice under the Second Chance Act as pilot projects with varying degrees of success and failure (Carey et al., 2017). In 2013, the National Institute of Justice commissioned the largest and most comprehensive evaluation of these funded reentry courts to date, the findings of which are beginning to emerge. Upon review, the NIJ-funded researchers discovered a wide array of differences across program, which allows for a broad review of what seems to work well and what practices may not be suitable for future investment. Preliminary findings suggest two reentry courts that show promising outcomes, two that show no gain in success relative to individuals returning to the community as they have in the past, and two that show worsened outcomes as more people are returning to prison after release than those who simply return to prison without the benefit of the program.

While these results may appear disheartening, researchers have been finding pockets of successes to draw from that can seed improvements in existing and upcoming programs. For example, the evaluation of the Harlem Parole Reentry Court initially found stagnant outcomes for participants (Ayoub & Pooler, 2015). Importantly, the evaluators on the project employed a thorough process evaluation to unveil potential sources of problems that may be restricting success. An array of modifications have since been made, and with the further aid of additional Bureau of Justice Assistance funding, these modifications are being put into practice and are being modified for potential gains in outcomes.

### 8.2.3.1 The 22nd Judicial District Reentry Court of Louisiana

Situated north of metropolitan New Orleans on the other side of Lake Pontchartrain (colloquially called the Northshore in Southeastern Louisiana), St. Tammany and Washington parishes comprise the 22nd Judicial District Court. This jurisdiction has been notorious due to its incredibly high incarceration rates; in fact, some claim them to be the highest in the modern world (Galofaro, 2012). The state of Louisiana has generally led the nation in its incarceration rate, currently at 776 per 100,000 incarcerated in prison relative to 385 per 100,000 nationally (Carson & Anderson, 2016). Recent estimates of the 22nd Judicial District's recidivism are even higher, at 811 per 100,000 residents incarcerated (or 1 in 86 adults), with St. Tammany further elevated at 954 inmates per 100,000 adult residents. The punitiveness St. Tammany Parish has resulted in a local nickname—"St. Slammany"—and, at times, this moniker has been used with pride by local law enforcement and the district attorney. These times are changing.

The District's incarceration problem seems to have been fueled by a persistent drug-crime connection that has remained unabated and is destined to drive increased problems without intervention. In particular, the district also leads the state in substance abuse treatment admissions at 771 per 100,000 adult residents relative to 610 per 100,000 state residents. The moment was ripe for intervention, and one standout approach has been led by a district court judge—Judge William "Rusty" Knight—and the team he assembled to constructively address this unyielding problem. The solution is a customized reentry court that is informed by research and steeped in evidence-based programming.

The original Louisiana Reentry Court program was, in fact, established at the New Orleans criminal court in collaboration with the Louisiana Department of Public Safety and Corrections. This collaboration resulted in a new and unique partnership between local courts and state corrections. First, new sentencing legislation (LA Revised Statute 13:5401) was devised and lobbied to the state legislature to give judges more autonomy with reentry programming. Second, and more importantly, it established a comprehensive in-reach program at the Louisiana State Penitentiary at Angola. This in-reach program provides intensive programming to participants for 24 months to qualifying inmates who are sentenced under this newly devised statute. At this time, services include substance abuse education, social skills training, mentoring by trustee lifers, and substantial vocational training that leads to national and international certifications. It also features evidence-based training, such as Moral Reconciliation Training, and has further been outfitted with medication-assisted treatment (i.e., Vivitrol®).

The mentors are often seen as the glue of the program of the inside. Many are graduates of the New Orleans Baptist Theological Seminary Bible College housed on-site at Angola. These men offer peer-based drug education, fatherhood skills, anger management training, soft skills and personal finance education, and much more. Mentors see themselves as assisting mentees with the development or retooling of their moral compasses and as a living and breathing model of what could

happen if participants cannot change their hearts and minds—spending long years (prime years) behind bars.

Intensive services continue at the moment of release through reintegration into the community with the 22nd Judicial District Reentry Court. Further, case managers and Judge Knight remain in constant contact with participants sentenced to the in-reach program, a feature that is very unique. A part of what makes this program different is his level of caring and empathy Judge Knight has for his program participants. For example, using the drug court model, each program participant is referred to as a “client” or “participant” rather than “inmate” or “justice-involved person.” In fact, the judge often knows each client by name and makes it a point to hold status meetings (e.g., check-ins with District participants) on prison grounds quarterly, at minimum. The simple change in speech appears to mitigate the stigma and allow a person to overcome any a negative label. It begins a positive outlook, even before release from prison. The speech adjustment creates a thought adjustment. The clients are seen as a person rather than as a charge or a number as they are in prison. Prisoner #0947548 now becomes John, or Chris, or Tom, and is treated accordingly. He now has an identity, an opinion, and a choice in his life path. The empowerment and ownership are also extremely important for the mental health and self-esteem of a person. Upon release from prison, a person then is allowed to take back ownership for decisions in their own life and is no longer subject to those of a corrections officer, institution, or the state/federal government. On the other hand, this new-found ownership can be extremely anxiety provoking and overwhelming. Consider the amount of time a person has been incarcerated and the amount of time to change that control-less thought pattern.

This is where Reentry Court, a modified adult drug court, comes into play. The modifications made at inception were designed to accommodate men with a long history of substance use disorder (or substance abuse patterns) in addition to longer criminal histories that typically make them ineligible for drug court. Additionally, many men who qualify for Reentry Court often have charges that are eligible to be treated under the multiple offender bill in the state, which may result in substantially longer prison sentences if not for the benefit of the program. By law, this sentencing feature is kept intact as a participant progresses through the program, with the possibility of being later filed should someone fail to comply with the program and complete either the in-reach or outreach portion. This feature was designed to minimize the risk of new crimes and new victims. Before release, participants must establish employment and a housing plan (with the assistance of case management, trustee mentors, and prison staff) to ensure success on the outside. The Reentry Court outreach features a four-phase approach that span 5 years of intensive probation supervision, designed to step down services as pro-social behaviors thrive and self-sufficiency ensues. Each phase includes treatment, random drug testing, 12-step meetings, close case management, and status hearings with Judge Knight and the Reentry Court team (e.g., state attorney, defense attorney, treatment representative, and probation officer, led by the judge)—beginning with weekly status meetings, at minimum 2 drug tests per week, individualized treatment, and 2 12-step meetings per week.

To date, only 3 men of 47 have returned to prison, yielding a very promising recidivism rate. As this program continues to grow, comprehensive evaluation will be able to determine if these reductions in the return to prison are sustained. One key feature that appears to be driving the success of the program is that the vocational education is yielding meaningful and well-paying jobs for participants. In fact, the supervising probation officer of Reentry Court often jokes that the participants often get paid more than the probation officers that supervise them. Yet, it should be stressed here that this program has been able to develop a continuous continuum of treatment and programming that begins *before* entering prison, during incarceration, and through up to 5 years of intensive supervision. This level of programming seems to be extremely successful at breaking the cycle of substance use, crime participation, and antisocial behavior.

### 8.3 Known Gaps and Barriers

As reentry programs are shaping up across the country, literature on the known gaps preventing successful reentry are surfacing. Many of these gaps were mentioned earlier in this text and include connectivity to health care, especially Medicaid, access to evidence-based services, availability of transportation to reach these services and engage in pro-social activities like work and healthy recreation, ability to find gainful employment, and so on. This section addresses some of the less-thought of gaps and barriers to success. As Miller and Khey (2017) note:

Even though the vast majority of individuals (95 %) sent to prison will return to their communities, the outlook for most remains bleak in that employment is often unattainable (Bushway & Apel, 2012; Stafford, 2006), personal networks are either criminogenic or broken due to incarceration (Berg & Huebner, 2011; Travis & Waul, 2003), and substance use and mental health disorders too often remain unaddressed (Binswanger et al., 2012; Mallik-Kane & Visher, 2008). Increasingly, offender reentry programs are being delivered to a wider range of targeted populations to address various combinations of offender needs and transition issues, but only a fraction include formal program evaluation. (p. 575)

The literature is growing in this area, and the following sections highlight a range of topics important in the current discussions of reentry, including promising programs with rigorous evaluations.

#### 8.3.1 *Technology as a Barrier*

Technology can often create hurdles for individuals returning to the community. Smartphones, the Internet, and the state-of-the-art technology used by the modern workforce can all pose significant learning curve for someone previously incarcerated. A new version of a phone comes out each year or an upgrade to an application

or program happens quickly, so keeping up, even just after a couple years, can be difficult. This, coupled with the stigma, can be intense and difficult. Practically no one wants to be judged for being out of date, particularly for embarrassing reasons.

On a positive note, an increasing amount of prisons are offering education programs within the walls of the prison. While technology can pose a significant security risk for facilities, some forward-thinking administrators are finding ways to circumvent the risk by removing the ability of inmates to access the Internet and communicate freely with the outside world while retaining the ability to learn technology and new skills effectively. These programs can be a great deterrent of negative behaviors for inmates while providing practical experience for future employment post-incarceration.

One example of the use of technology is with the Philadelphia Prison System (Rawlins, 2014). The city of Philadelphia has teamed up with two different startups to work with the prison on educating inmates. The lack of space, monitoring capacity for the technology, and funding have typically been major obstacles for adding and using technology in prisons and jails systems.

One of these startups is Chicago-based Jail Education Solutions (JES). JES, in conjunction with the city of Philadelphia, created a program to equip inmates with special, customized tablets that allow the prison to determine how they are used. These tablets “will offer everything from literacy classes and college coursework to vocational training and financial literacy seminars.” JES used data from a RAND report citing, “inmates who received education while in prison were 43% less likely to become repeat offenders” (Davis, Bozick, Steele, Saunders, & Miles, 2013) The founder of JES, Ben Hill, discussed the use of the tablets, stating “If someone took the tablet and tried to use it outside the jail, it would be absolutely worthless.”

As with most programs, a major issue is costs and funding. Initially, this program will allow both female and male inmates to have tablets, with the total being 100. To offset costs, the tablets will one day be rented for \$2 a day since the beginning startup funds were only \$30,000 provided by the city.

Reentry is major priority of the Philadelphia Prison System, “there are an average of 8,300 people in the Philadelphia Prison System—and over 50% of them return to prison within 3 years.” In order to work toward successful reentry, a secondary startup, Textizen, has joined in the project. Textizen created the ability for mass text messages via a web platform. Philadelphia’s Office of Reintegration Services (RISE) is hopeful for the use of the platform to better serve their caseloads of ex-offenders. The system created by Textizen will allow for better communication for all clients with such large numbers allotted to only a few case managers. The benefits of the platform span past just communication between those in the community post-incarceration with their caseworkers for check-ins but also with alerts for events and appointment reminders. Even further, program participants can use the platform to send required information like pay stubs to parole officers.

The startups involved in this pilot project were part of a competition to create adaptations and change for public safety. These are just some of the ways change can be made through technology within different areas of the criminal justice system.

### **8.3.2 *Disenfranchisement (Felons Can't Vote)***

Stigma breeds negativity in many ways for both mentally ill and incarcerated individuals (Moore, Stuewig, & Tangney, 2016). Specifically, for those involved in the criminal justice system, after receiving a felony, a person is no longer allowed to vote. While this can be a symbolic gesture, *voter disenfranchisement* is one real example of the effect of the stigmatic label “ex-felon” or “ex-convict.” Under certain circumstances, the right to vote can be regained, but not always. Voting rights allow for a person to be directly connected with their community. Especially in current times, where changes to health care and potential criminal justice reform have become highly politicized, the ability to vote on these matters can be essential to the mental health of an individual. Imagine the impact on the well-being of ex-offenders to have the ability to decide (or at least have the perception of deciding) on matters that can have an impact on whether or not to eliminate mandatory sentences for drug-related crimes or to abolish the death penalty in states. Also, voting at the local level can truly change the treatment of many when there may be a proposed millage for use for local treatment services and improved reentry resources.

The other side of the voting rights argument is that by committing a crime which led to the felony, the individual violated his or her social contract with the community and deserves to have some civil rights rescinded. Although this can be true for some cases, murder being the most obvious case that most people across the political spectrum can agree upon, it may not be true, or beneficial, for all. Take, for example, a person who may have been diagnosed with an anxiety disorder and prescribed some antianxiety medications to use as needed. What if this person then becomes addicted to these same antianxiety medications? Then, the addiction progresses and self-medication ensues; to make the long story short, they then begin buying pills on the street to feed their addiction. If at some point they are arrested with non-prescribed pills, a potential felony drug conviction may be a real possibility. Think, this scenario began with a mental illness and ended in a criminal felony charge. Does that person need treatment or incarceration or both? This question is one that has been on the forefront of criminal justice and treatment professionals, as well as researchers since the turn of the millennium. Working together to form an overall outlook can be the best course of action to help those in need and potentially stop the problem before it becomes a criminal justice issue.

### **8.3.3 *Facing Employers***

There is no question that felons have trouble finding work. This book has discussed the vulnerability of the transition period both post-treatment and post-incarceration. Part of the struggle in the transition period includes money, plain and simple. How

is a person supposed to rehabilitate and recover without resources? How does one acquire these resources without sufficient funds? Without the ability to obtain legal employment due to a felony charge, where does one turn? The answer is that often a person turns back to their negative habits. This is true for individuals both with or without a mental health diagnosis, as the Cook and colleagues study poignantly points out that legal work remains unimportant in the lives of those returning from prison. This desperately needs to change.

Working brings back, again, to the topic of stigma. Finding employment can be a significant barrier for those released from prison. A criminal record, disclosing said record, and stigma and shame involved can be beyond overwhelming when attempting to rehabilitate and become a productive member of society. Most job applications ask the applicant if they have been convicted of a felony in their past. Additionally, the applicant is asked to describe the charge and sentence served. Imagine discussing past mistakes and currently being judged for those mistakes even after completing the punishment attached. This can be frustrating and significantly discouraging for former inmates.

### ***8.3.4 Facing Relationships***

Relationships can also be a struggle for a person leaving prison after a significant amount of time. Resources to maintain relationships within in an institution are limited, often to only letters, phone calls, and possibly occasional in-person visits. With this in mind, it is understandable the level of difficulty in maintaining positive relationships with friends and family while incarcerated. Specifically, with regard to the type of crime committed, some friends and family may choose to no longer associate with the incarcerated person or hold a grudge. This leads to the incarcerated person mourning the loss of that relationship. Further complicated this delicate situation can be reentry of that person to society. The lost relationship may never be repaired and bring up past issues again.

After speaking with several former inmates, many have discussed struggling with family dynamics after returning home. Catching up with everyone after being away for quite some time can be a struggle. Additionally, repeating conversations regarding incarceration and prison surrounding that negative experience can hinder a person's forward progress.

### ***8.3.5 Collateral Consequences***

According to the Council of State Governments Justice Center, "collateral consequences are the legal and regulatory sanctions and restrictions that limit or prohibit people with criminal records from accessing employment, occupational licensing,

housing, voting, education, and other opportunities” (Council of State Governments Justice Center, 2017). Since 2009, the Justice Center has developed and maintained an inventory of these consequences in its National Inventory of Collateral Consequences of Conviction. The inventory currently features an easy-to-use map to zero in on any jurisdiction to better understand all of the restrictions put into place by statute or ordinance. For example, selecting Louisiana reveals over 1494 legal restrictions on ex-offenders depending on triggering offense (e.g., felony, violent felony, and so on), 920 of which are listed as mandatory and automatic. Some examples of these mandatory Louisiana restrictions include the ineligibility to possess firearms (LA RS 14:95.1, any felony, crime of violence and person offenses, weapons offenses, controlled substances offenses, and sex offenses), ineligibility to serve as a chairman or vice chairman of petition for a neighborhood crime prevention and security district (LA RS 18:1300.31, any felony), ineligibility to receive a citation in lieu of arrest (LA C Cr P Art 211, any felony or misdemeanor), and even the ineligibility to wear a hood, mask, or disguise to conceal identity during Halloween, Mardi Gras, Easter, Christmas, or other holidays (LA RS 14:313, crimes of violence, including person offenses and sex offenses). Many reentry programs are building the capacity to assist individuals returning back into the community in navigating these daunting regulations to ensure compliance and, at times, appeal to the courts to receive special dispensation from the courts, if possible, to aid in successful reentry. These appeals typically revolve around barriers to work. For example, any worker who requires access to secure areas of ports, vessels, offshore facilities, and similar maritime work environments require a Transportation Worker Identification Credential (TWIC)—a felony can prevent an individual from obtaining a TWIC card. Almost always, initial applications for a TWIC are routinely denied and require appeal. This is one of many headaches facing ex-offenders as they reintegrate into society.

Additionally, a lot of “clean-up” work needs to be done simply due to the unintended consequences of being incarcerated, particularly as the incarceration period increases. While these issues may not traditionally be known as collateral consequences, they are being increasingly addressed as if they were. Imagine if you were not around to handle your affairs, such as make car payments, resolve traffic citations or parking tickets, continue mortgage or child support payments, and so on. Driver’s licenses may be suspended, outstanding traffic warrants may need to be resolved, outstanding debts may need to be addressed, and even years of missing tax filings may need to be rectified before new problems steamroll those fresh from incarceration. Fortunately, many new programs and services are being created to address these issues. For example, the Internal Revenue Service (IRS) has started its own prisoner reentry program.

**the Life Cycle series**  
A series of informational publications designed to educate taxpayers about the tax impact of significant life events.

**Get Right With Your Taxes**

**Tax Benefits and Credits**

**FREE HELP FILING YOUR RETURN**

**Volunteer Income Tax Assistance (VITA)**  
IRS-certified volunteers receive training to prepare basic tax returns in communities across the country. To locate a VITA site near you, go to [www.irs.gov](http://www.irs.gov) and search: VITA, or call 1-800-906-9887

**Tax-Aide**  
Trained and certified AARP Tax-Aide volunteers help people of low-to-middle income, with special attention to those age 60 and older. To locate the nearest AARP Tax-Aide site, call 1-888-227-7669 or use the Tax-Aide Locator at [www.aarp.org](http://www.aarp.org)

**Free File**  
It's fast, safe and free. Let Free File do the hard work for you with brand-name software or online Fillable Forms. You can prepare and e-file your federal return for free. Participating software companies make their products available through the IRS. Some also support state tax returns. Go to [www.irs.gov/freefile](http://www.irs.gov/freefile) to get started.

**TAX CREDITS**

**Earned Income Tax Credit (EITC)**  
Find out if you are eligible for this valuable credit by using the EITC Assistant at [www.irs.gov](http://www.irs.gov) search: EITC. Amounts received for work performed while an inmate in a penal institution, in a work release program or while in a halfway house are not earned income when figuring this credit.

**Other benefits**  
Information about how to learn more about the child tax credit and other credits, benefits and free services can be found in *Publication 910, IRS Guide to Free Tax Services*

**TAXES AND JOBS**

If you work for someone else, you can use the Withholding Calculator on [www.irs.gov](http://www.irs.gov) to help you complete Form W-4. That way, you'll avoid having too much or too little tax withheld from your pay.

If you are interested in starting your own business, the IRS has many informative videos available at [www.irsvideos.gov](http://www.irsvideos.gov). Select the "Small Biz Workshop" on the Small Businesses tab.

Self-employed/independent contractors generally are required to file a tax return every year and pay estimated taxes. See *Publications 334, Tax Guide for Small Business* and *505, Tax Withholding and Estimated Tax*, for more information.

**TAX AVOIDANCE SCHEMES**

Participating in an illegal scheme to avoid paying taxes can result in imprisonment, fines, and the repayment of taxes owed plus penalties and interest. If it sounds too good to be true, it probably is. Find more information at [www.irs.gov](http://www.irs.gov) search: tax scams.

**WHAT TO DO IF YOU OWE TAXES**

You should file all tax returns that are due, regardless of whether or not you can pay in full with your return. Depending on your circumstances, you may qualify for a payment plan. In many cases, filing late can result in avoidable penalties, costing you more money. If you haven't filed, go to [www.irs.gov](http://www.irs.gov) for more information about payment options or to set up a payment arrangement. You can also visit your nearest Taxpayer Assistance Center or call the IRS toll-free at 1-800-829-1040.

**Low Income Taxpayer Clinics (LITC)**  
Available to eligible low income or English as a second language (ESL) taxpayers seeking assistance with IRS audits, appeals and collection disputes including representation before the IRS. For specific requirements and locations in your state go to [www.irs.gov](http://www.irs.gov) search: LITC assistance

**Taxpayer Advocate Service (TAS)**  
Your voice at the IRS. Call TAS if you're having economic problems, if you need help resolving an IRS problem, or you believe an IRS system or procedure isn't working as it should. Call toll-free at 1-877-777-4778 or go to [www.TaxpayerAdvocate.irs.gov](http://www.TaxpayerAdvocate.irs.gov)

**PRISONER RE-ENTRY EDUCATION PROGRAM**

continued... ▶

## 8.4 How Do We Break the Cycle?

The following sections address different perspectives on how to alter the path of hyper-incarceration on which America finds itself. In particular, it discusses how everyday people can contribute to a solution. As referenced throughout this text, the

American criminal justice system has failed to provide this solution on its own, and looking beyond criminal justice seems to offer an answer. As these multifaceted solutions avail themselves across the country, it will be interesting to note whether mental health takes a prominent role as part of these solutions or if it will remain an afterthought.

### **8.4.1 *The Role of Employers***

Among employers, there exist a reluctance and oftentimes fear to hire someone with a criminal record. The risk of another criminal act, or a person leaving again due to incarceration, can be greater than most employers are willing to bear. Management also considers the potential liability of hiring someone they know to have a criminal record. For example, it may make an employer very uncomfortable hiring someone with a burglary conviction as an HVAC repair and serviceperson knowing that he or she will go into customer's homes several times per day. If something were to turn up missing and the customer were to catch wind of the employee's criminal past, is there any liability on that employer? Luckily, programs exist to help defray the costs and fears for employers, as well as explore how to mitigate this issue of liability.

For example, tax incentives exist for employers who hire justice-involved employees or individuals returning to their communities from incarceration. Progressive changes have also been made to state statutes to eliminate civil liability for employers in many circumstances should they hire an individual returning from prison. In Louisiana, recent legislative changes add that "any employer, general contractor, premises owner, or third party shall not be subject to a cause of action for negligent hiring of or failing to adequately supervise an offender *certified to be employed* due to damages or injury caused by that employee or independent contractor solely because that employee or independent contractor has been previously convicted of a criminal offense" (LA R.S. 23:291.1, emphasis added). Specifically, certain reentry program participants (who receive comprehensive programming) are eligible to receive a certification of employment from the Department of Public Safety and Corrections. These types of actions aid to address the collateral consequences of the label of "felon" and a criminal history.

Unfortunately, the stigma of mental illness, substance abuse, and incarceration do exist and prevent former inmates from being successful in their new-found futures. For example, if a person was incarcerated for a drug charge, it is often difficult for society to see that person as anything more than a "drug addict" or "drug dealer." This thought process does nothing to help someone reclaim their life and change for the better. This type of thinking only promotes an individual to return to the negative, criminal behaviors from their past. As a society, we discuss high incarceration rates, high recidivism rates, and high crime as significant negative impacts on communities, yet we do nothing to help people overcome past mistakes and regain their freedom on a permanent basis.

Luckily, in recent years, there has been an influx of opportunity for federal grant funding to create programming to help aid justice-involved individuals reenter society and remain positive and successful. This change begins inside the prison and must continue post-incarceration. Public education and awareness are essential in lessening stigma and promoting the positive welfare of these individuals. Once we accept the reality that people can change and become successful despite past convictions, things will then begin to change. This acceptance needs to come from all members of society, involved in the criminal justice system or not. Judges, lawyers, counselors, employers, loved ones, etc. can be a catalyst to change.

### ***8.4.2 Ban the Box: Does It Work?***

The Fair Chance Act aka “Ban the Box” is a law that was put into effect in New York City on October 27, 2015. The Fair Chance Act “bans job ads that say things like ‘no felonies’ or ‘must pass background check,’ bans any questions about criminal history on job applications bans any questions about criminal history during job interviews, and an employer can check your criminal record history only after a conditional job offer.” Then, if a person is denied a position due to their criminal record, an explanation from the employer is required in writing to explain the denial. Further, a connection between the potential employee’s criminal history to the job duties must be made and show “unreasonable risk.” Finally, in order to allow for discussion between the potential employee and employer in case of an issue, the job has to be held open for 3 days. President Obama changed the federal employee job applications and “banned the box.” Additionally, by December 2015, 24 states adopted the policy as well.

Keep in mind, as explained above, this law does not prevent employers from learning about a potential employee’s criminal background. What the law does is allow a person to be evaluated for a position on somewhat of an even playing field. The Fair Chance Act has just a couple stories about persons whose lives have changed because of the passing of this law. In one example, a woman describes being a victim of human trafficking, and while in captive, she was arrested many times for various sexual and drug-related crimes forced by her captors. In many ways, this is an easy argument for “Ban the Box” in that her future employment should not be impacted on past crimes while being held captive.

On the other hand, there are some instances that produce controversy for the public and employers, much like any other law. The “gray area” in many situations can vary wildly from side to side and in an argument, both political and professional, not all is black or white. Unfortunately, the dark side of “Ban the Box” is that one study has shown broader discrimination occurring. According to an article in the National Bureau of Economic Research written by Jennifer L. Doleac from the University of Virginia and Benjamin Hansen from the University of Oregon (Doleac & Hansen, 2016), young Hispanic and black men are less likely to be hired due to the general discrimination of potential employers. This concern again begs the idea

of ensuring education is linked to these types of policies. As with many other topics, especially those within this book, having a direct or personal experience usually lessens the negativity and stigma. For example, having a family member who was incarcerated and then released with the hopes of a better future usually helps to have a compassion and empathetic sense as a business owner or employer.

As of June 2017, Louisiana became the first state to “Ban the Box” on college applications. Louisiana governor, John Bel Edwards, signed House Bill 688 which will go into effect in fall 2017. This bill would not allow postsecondary public institutions from asking about criminal history during the admissions process. This would allow individuals with a criminal background to attend or re-enroll in a college or university with the hopes of furthering their education and leading to a better career. The law, however, does come with some exceptions in that institutions can ask about criminal history after admissions for both financial aid and housing.

## 8.5 Conclusion

The lack of funding and increase of incarceration have forced professionals to “think outside of the box.” One brainchild has been reentry programs. These programs are changing the way society views justice-involved individuals. Additionally, these programs are helping to create a supportive environment for the success of those in need. As with any treatment, support is essential. Luckily, these programs are helping to create a safe space to begin change. The hope is that this change will lead to greater success overall. If individuals can find the means to complete programs like reentry successfully, they can become role models for others.

The other issue taking center stage in the discussion of reentry has been the collateral consequences caused by imprisonment, systemic processing, and the stigma involved with being a criminal/drug abusers/mentally ill. For everyday people, dealing with problems like having a suspended driver’s license, being in arrears on child support, missing a court date, or preparing for a successful job interview may be daunting. Yet if you step into the shoes of someone with a criminal record who may be experiencing one, or most likely many of these issues all at once, visualizing and attaining success can feel like an insurmountable feat.

The vast majority of the innovations discussed in this section are yet to be fully evaluated, but some do indicate a reason to be hopeful. To be certain, we do not know if Ban the Box has been successful or if the available tax incentives offer enough of a carrot to employers to begin to hire some more perceptively “risky” individuals. However, there appears to be a push to “change the script” or rework the narrative of hiring and helping justice-involved persons. For example, Judge Rusty Knight prefers to send this message to potential employers who may hire reentry court participants: would you rather hire a perfect stranger from off of the street after reviewing his or her resume and interviewing them, or would you rather

hire someone who has the full backing of a diverse array of professionals with likely better qualifications onto your team who also benefits from his judicial oversight? Who is more likely to fail a drug test? Who is more likely to be responsible? Indeed, it seems for many employers, after they experience their first success with a reentry client, they are likely to change their scripts and practices into the future.

## KNOW YOUR RIGHTS!

*It's illegal to be denied a job just because you have a criminal record.*

A new NYC law called the **Fair Chance Act** says employers can't ask about your criminal record until offering you a job. The new law takes effect on October 27, 2015.

### What does the Fair Chance Act do?

- Bans job ads that say things like "no felonies" and "must pass background check."
- Bans any questions about criminal history on *job applications*.
- Bans any questions about criminal history during *job interviews*.
- An employer *can* check your criminal record history only *after a conditional job offer*.

### If you are denied a job because of your criminal record...

the employer must explain why *in writing*. The employer must also connect your criminal record history to job duties or show it creates an unreasonable risk. The employer must also hold the job open for *at least 3 days* so you have time to discuss the issue or correct any wrong info.

### Which jobs does this impact?

All employers in New York City with four or more employees must obey the Fair Chance Act. And they have to follow it when hiring, promoting, demoting, or firing people. The law does not apply to some jobs, however: police and peace officers and any job where a law says that people with certain convictions cannot do that job.

*Workplaces that violate the Fair Chance Act may have to pay you lost wages and other damages and be fined by the City up to \$125,000. If you think your rights may have been violated, contact: Brandon Holmes, [brandon@vocal-ny.org](mailto:brandon@vocal-ny.org) or 917-361-9865.*



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