



DECEMBER 2016

BEYOND SECOND CHANCES

RETURNING CITIZENS' RE-ENTRY STRUGGLES AND
SUCCESSSES IN THE DISTRICT OF COLUMBIA



About the Council for Court Excellence

Formed in the District of Columbia in 1982, the Council for Court Excellence (CCE) is a nonprofit, nonpartisan civic organization that envisions a justice system in the District of Columbia that equitably serves its people and continues to be a model for creating stronger and more prosperous communities.

CCE's mission is to enhance the justice system in the District of Columbia to serve the public equitably. CCE identifies and proposes solutions by collaborating with diverse stakeholders to conduct research, advance policy, educate the public, and increase civic engagement.

Council for Court Excellence
1111 14th Street NW, Suite 500
Washington, D.C. 20005-5628
202.785.5917

courtexcellence.org
facebook.com/courtexcellence
twitter.com/CCE_for_DC

ON THE COVER

Returning citizens pictured: Kawan McCoy, Trevor Dixon, Sakenia Hammond, Vedo Hall, James LeBlanc, Chearie Phelps-El, and Victor Blanco.

Cover photos courtesy of Kristin Adair, © 2016.

Copyright © 2016 Council for Court Excellence.
Reproduction in full or in part by permission only.

Download this report at
www.courtexcellence.org/digital-library

Request a hard copy by emailing
info@courtexcellence.org

Acknowledgments

In consultation with CCE's Criminal Justice Committee, chaired by **Carol Elder Bruce**, Esq., and its Re-entry Subcommittee, chaired by **Theodore C. Whitehouse**, Esq., this report was written by CCE staff members **June Kress**, D.Crim.; **Ben Moser**, MPA; **Emily Tatro**, Esq., and former senior policy analyst **Tracy Velázquez**, MPA. Several CCE interns also contributed to this report: **Sylvia Ashley**, **Samantha Farish**, **Fleming Farrell**, **Kirsten Flicker**, **Indira Galvez Guzman**, **Devon Hays**, **Ellen Hornsby**, **Christian Lake**, **Abigail Mitchell**, **Elias Schultz**, **Kimberly Soy**, **David Weinraub**, and **Alejandra Whitney-Smith**. CCE staff members **Sarah Medway**, J.D., LL.M., and **Danny Reed** contributed editing and production support.

CCE thanks the returning citizens, D.C. residents, community and legal services providers, and others who participated in interviews and focus groups for this report. CCE also thanks the various local and federal government agencies who provided data to CCE.

CCE is especially grateful to the government and community stakeholders who reviewed drafts of this report and provided valuable feedback.

Beyond Second Chances would not have been possible without the financial generosity of

Anonymous

William S. Abell Foundation

Brokell Foundation

The Jovid Foundation

and **donors like you.**

CCE gives special thanks to **Kristin Adair** for providing the returning citizens' portraits throughout this report and to **Spitfire Strategies** for communications services, including numerous pro bono hours.

Portraits of Re-entry

The black-and-white portraits on the cover and throughout *Beyond Second Chances* are people who have returned home to D.C. from incarceration. They have shared their struggles and successes, and they lend their faces and voices to *Beyond Second Chances* to help convey the collective story of many more just like them.

These wonderful photographs are generously provided pro bono by **Kristin Adair**.

PHOTO CREDIT FOR PORTRAITS THROUGHOUT REPORT:

Courtesy of Kristin Adair, © 2016.

CCE's History of Criminal Justice Reform Efforts

For the last 34 years, the Council for Court Excellence has made criminal justice a major reform priority and has worked to improve the efficiency and effectiveness of criminal justice processes in the District of Columbia. We have engaged in sentencing reform, pushed for the creation of two community courts to divert people from prison and jail, and advocated for the rights of crime victims and their families with the enactment of a D.C. crime victim bill of rights.

But it was not until 2005 that CCE began a more serious and focused examination of the issue of re-entry and the prospects of removing the collateral consequences of conviction for D.C. residents who have a criminal record. Collaborating with a diverse group of stakeholders representing the local and federal government, direct service providers, the D.C. Chamber of Commerce, lawyers, judges, and others, CCE conducted a survey of expungement statutes nationwide, because the District did not have one in place, and produced a report and legislative proposal that resulted in the D.C. Council passing the Criminal Record Sealing Act of 2006.

From there, we began to explore the relationship between unemployment and recidivism. By conducting surveys of returning citizens and the business community, as well as research into legislative best practices elsewhere, we published *Unlocking Employment Opportunity for Previously Incarcerated Persons in the District of Columbia* in 2011.

Less than a year later, CCE worked with the D.C. Council to adopt a bill, the Re-entry Facilitation Act of 2012, that contained two of our report's five recommendations: (1) Address employers' liability concerns about hiring a person with a criminal record by offering a method that would ban the revelation of the employee's criminal record in a civil negligent hiring lawsuit and (2) Establish a certificate of good standing program, available to persons with a criminal conviction upon completion of their sentence, probation or community supervision. The bill also amended the 2006 Criminal Record Sealing Act, such as reducing the amount of time a person must wait to seal eligible convictions.

In June 2013, the D.C. Re-entry Facilitation Act became law, and we set out to talk with the business community about our report's findings and the subsequent legislation. We addressed the Workforce Investment Council in the fall of 2013; a year later, we sponsored a forum for the business community, *Hiring People with a Criminal Record*, moderated by PNC Bank regional president Michael Harreld. The forum featured Harry Wingo, then-CEO of the D.C. Chamber of Commerce, and business leaders and experts on re-entry and employment. D.C. Council chair, Phil Mendelson, presented on legislative reform efforts.

Since then, CCE has examined the subject of parole and how we might change the course of people who remain incarcerated long after they presumptively would have been paroled at the completion of the low end of their

indeterminate sentence (e.g., 10 to 30 years). D.C. has not used indeterminate sentencing since passing the Sentencing Reform Amendment Act of 2000. Some people sentenced prior to the act, however, have remained incarcerated beyond their parole eligibility because of how the D.C. Board of Parole used its discretion in applying its guidelines.

CCE is also committed to removing, or at least lessening, the many obstacles to expungement that have inadvertently arisen since the passage of the Criminal Record Sealing Act of 2006. Simultaneously, we are attempting to unpack the issue of certificates of good standing that have not been implemented by the D.C. government in any meaningful way. Finally, we are working with the Community Justice Project at Georgetown University Law Center to research appropriate options for a clemency process for D.C. Code offenders that will be more accessible and fair.

In 2014, CCE revisited the District's re-entry system to expand on our previous re-entry work that focused on obstacles to employment for returning citizens. This work has culminated in the report that follows, which is the most extensive, comprehensive examination of re-entry in the District to date. We are optimistic that the findings and recommendations we present will lead to reforms that will reunite families, strengthen communities and raise the quality of life throughout the District.

Table of Contents

Preface: CCE’s History of Criminal Justice Reform Efforts	i
Executive Summary	v
Introduction: Why This Report?	1
1. An Overview of D.C.’s Returning Citizens	3
2. An Overview of D.C.’s Re-entry System	9
Recommendations.....	25
3. Housing.....	27
Recommendations.....	36
4. Employment.....	39
Recommendations.....	55
5. Education.....	57
Recommendations.....	64
6. Physical and Behavioral Health	65
Recommendations.....	78
7. Women’s Re-entry.....	81
Recommendations.....	89
8. Re-entry for Young Adults	91
Recommendations.....	99
9. LGBTQ Re-entry	101
Recommendations.....	105
10. Social Supports	107
Recommendations.....	112
Appendix	113
A. Glossary of Acronyms	113
B. Recommendations by Agency/Decision-maker	118

Executive Summary

The path home from time in the criminal justice system is a rocky one, no matter who has to walk it or where they are headed. But here, in our nation's capital, that path is incredibly complex and laden with obstacles, such as overlapping local and federal jurisdictions, a lack of resources to help returning citizens, and systems that do not always serve the unique needs of specific populations.

In a city where 1 in 22 adults is under some form of correctional control on any given day,ⁱ simplifying that path will benefit thousands of District of Columbia residents, their families, and the entire city by helping returning citizens move beyond second chances to fulfill their full potential.

Through a review of previously unreleased data and a series of in-depth interviews with returning citizens and service providers who see firsthand the obstacles that these people too often confront, this report provides the most complete picture to date of the unique challenges that returning citizens face in D.C. The report also includes examples of promising re-entry service models from jurisdictions around the country and from the District of Columbia. Finally, the report outlines the Council for Court Excellence's (CCE) recommendations to improve our neighbors' reintegration into the community.

Main Findings

In compiling this report, CCE first sought to identify the challenges that returning citizens face nationally and in the District of Columbia. While each of these has a variety of contributing elements that must be addressed—and CCE's recommendations to do that are detailed in the report—these are the top-line findings:

- D.C.'s criminal justice system is unique compared to the rest of the nation with its mix of local and federal jurisdictions. Different standards and procedures between these jurisdictions can complicate the re-entry process.
- D.C. Code offenders are often sent to facilities throughout the country, including as far away as the West Coast, despite the Bureau of Prisons' (BOP) policy to attempt to place them within 500 miles of D.C.ⁱⁱ This distance isolates offenders from the support systems of family, friends, and local service providers that are crucial to their successful return.

i U.S. Census data show that there are about 504,242 adults in the District of Columbia as of 2015. The population under correctional control in D.C. on a given day (excluding average daily arrests) was 22,999, equivalent to approximately 456 out of every 10,000 adults, or 1 in 22 adults.

ii CSOSA. (2014). *Re-entry in Washington, D.C.* Washington, D.C.: CSOSA.

- The population of D.C. Code offenders is starkly homogeneous. Although slightly less than half of all D.C. residents are black, more than 96 percent of D.C. Code offenders incarcerated at BOP facilities are black. The struggles that result from a criminal record are experienced almost entirely by D.C.'s black community.
- The U.S. Parole Commission (USPC) uses its own guidelines for granting parole, despite the existence of D.C. rules.ⁱⁱⁱ In fact, the entire process for granting or revoking parole or supervision under the USPC does not effectively serve D.C. Code offenders.
- The D.C. Mayor's Office on Returning Citizen Affairs (MORCA) has not been able to achieve its mission—to coordinate and monitor service delivery to returning citizens, and make policy recommendations regarding returning citizens to the mayor—due to limited funding and resources.
- Lack of affordable housing is a persistent problem: 90 days into community supervision, 22 percent of employed returning citizens, 32 percent of unemployed returning citizens, and 38 percent of unemployable returning citizens face housing instability. D.C. is consistently ranked as one of the most expensive cities for housing in the U.S.^{iv} and public housing options are extremely limited, complicating returning citizens' search for stable, long-term housing.
- Employment is a major problem for returning citizens. Among employable returning citizens entering supervision during 2015, 71 percent reported they were unemployed.^v Unfortunately, D.C.'s job market poses special challenges for the city's returning citizens. In 2012, nearly half of all job openings in the D.C. metro area required a college degree,^{vi} a rate 10 percent higher than other metro areas. It is projected that by 2020, 76 percent of all jobs in the D.C. metro area will require postsecondary education.^{vii}
- Access to care for physical and mental health issues is greatly lacking. For example, offenders incarcerated locally in D.C. and on Medicaid are able to have their coverage suspended instead of revoked while they serve their sentence. But D.C. Code offenders in BOP custody around the country do not have a process to renew their Medicaid coverage before their return and consequently may face gaps in health care access.
- D.C. does not have enough high-quality, re-entry-specific programming, and the gaps are greatest for programs designed to accommodate the needs of special populations, including women, youth and members of the lesbian, gay, bisexual, transgender and queer (and/or questioning) (LGBTQ) community.

Top Recommendations

Identifying the obstacles for returning citizens was just the first step. CCE's next goal was to develop remedies to change official policies and practices and to improve the enforcement of existing policies and practices.

iii Brief for Council for Court Excellence as Amici Curiae Supporting Petitioner, *Bailey v. Smoot*, cert. denied, 2016 WL 4524368 (U.S. Apr. 14, 2016) (No. 15-1217).

iv See, for example, Elkins, K. (2016). The 11 most expensive cities in America. *Business Insider*.

v CSOSA. (2015). *Employment at 90 days and educational attainment of 2015 CSOSA entrants*. Unpublished raw data analyzed by authors and on file with CCE.

vi Rothwell, J. (2012). *Education, job openings, and unemployment in metropolitan America*. Washington, D.C.: The Brookings Institution.

vii Carnevale, A. P., Smith, N., & Strohl, J. (2013). *Recovery: Projections of jobs and education requirements through 2020*. Washington, D.C.: Georgetown Public Policy Institute at Georgetown University.

While the report outlines in detail numerous recommendations for reform, the following are likely to have the most significant impact:

1. **MORCA FUNDING:** MORCA should be fully funded in the next budget cycle so that it can implement the recommendations included in the D.C. Inspector General’s report and the University of Maryland’s assessment of the agency and better serve D.C.’s returning citizens by operating as a re-entry hub, coordinating referrals to service providers and helping to develop and implement policy ideas.
2. **BOP LEADERSHIP:** CCE reiterates the D.C. Re-entry Task Force’s recommendation that the BOP should create an ombudsman position focused specifically on D.C. correctional issues.
3. **HOUSING:** Correctional facilities and housing providers should permit and assist returning citizens to apply for and reserve housing up to 90 days prior to release.
4. **EMPLOYMENT:** Research should be conducted to determine incentives that would encourage employers to hire returning citizens; such incentives should then be developed, implemented and evaluated.
5. **HEALTH:** D.C. government agencies responsible for health care-related benefits should ensure that people who have disabilities and chronic illnesses—including serious and persistent mental illness—face no gap in service coverage for either Medicaid or disability benefits. Furthermore, the BOP should send a weekly list of people being released from their facilities to the Department of Healthcare Finance to prevent gaps in Medicaid coverage and allow for medication and medical services not to lapse.
6. **HALFWAY HOUSES:** The BOP should not renew Hope Village’s contract. Instead, it should use the updated statement of work to hold a new halfway house provider accountable for offering high-quality services, including workforce engagement, connection to behavioral and physical health services, securing housing, family support and offense-specific issues, by tracking outcomes such as employment, engagement in treatment, and recidivism.

Conclusion

CCE’s research clearly reveals that D.C.’s returning citizens face a variety of challenges that returning citizens elsewhere simply do not confront. Overlaps in federal and local jurisdictions, along with a lack of support systems and services, combine to create daunting obstacles to successful re-entry for thousands of people coming home to the District of Columbia.

It does not have to be this way. Many best practices, programs, and approaches described in this report can be adapted for use by the D.C. government and by federal agencies to increase returning citizens’ chances for successful reintegration.

The issues CCE identifies and the solutions this report recommends will go a long way to alleviate many challenges returning citizens face in D.C. This report, however, should not be considered the end of this process. Indeed, it is a blueprint. Policymakers, service providers, and returning citizens have the opportunity to work together to tackle the most pressing issues of our re-entry system. Our community should ensure that returning citizens have the tools and resources they need to successfully come home. For their sake and for the sake of our city, we must take substantive, corrective action now.

Why This Report?

The number of people in state and federal prisons in the U.S. has tripled over the past 30 years from approximately half a million in 1984¹ to more than 1.5 million in 2014.² In comparison, the U.S. population has increased only about 37 percent, from about 236 million to 324 million.³ Local jail populations have increased as well. Today, 1 in 110 adults in the U.S. is in prison or jail. One in 36 adults is under some form of correctional supervision, either on probation, parole or in community-based corrections.

In 2015 in the District of Columbia, approximately 1 in 22 adults was under some form of correctional control on a given day,⁴ affecting thousands of individuals, their families and entire communities. Most people serving sentences in prison or jail will eventually be released, and increasingly, governments, policymakers and neighbors recognize the need to assist returning citizens so they can successfully reintegrate into their communities.

The U.S. continues to witness a sea change in criminal justice policy that is often associated with the bipartisan consensus that enacted The Second Chance Act in 2008, affirmed by its reauthorization in 2015. Despite today's political uncertainties, criminal justice reform consensus remains alive and well. In April 2016, the Department of Justice created National Re-entry Week to highlight re-entry efforts nationwide.⁵ Attorney General Loretta E. Lynch, U.S. Department of Housing and Urban Development Secretary Julián Castro and other leaders hosted events around the country, recognizing federal and local efforts to eliminate the barriers that returning citizens face.⁶ Just last month, on November 30, 2016, Deputy Attorney General Sally Q. Yates issued a memo directing the BOP to reform its halfway houses.⁷

While re-entry is now part of the national conversation, returning citizens still struggle with a host of challenges that are very much a part of the landscape in the District of Columbia. With the publication of this

-
- 1 Beck, A. J., & Gilliard, D. K. (1995). *Prisoners in 1994*. Washington, D.C.: Bureau of Justice Statistics (BJS).
 - 2 Kaeble, D., Glaze, L. E., Tsoutis, A., & Minton, T. D. (2016). *Correctional populations in the United States 2014*. Washington, D.C.: BJS., p. 2. These numbers do not include the population of people incarcerated in local jails.
 - 3 U.S. Census Bureau (USCB). (2016). *Population of the United States*. Washington, D.C.: Department of Justice (DOJ). Retrieved from USCB: <https://www.census.gov/quickfacts/table/PST045215/00>
 - 4 US Census data show that there were about 504,242 adults in the District of Columbia as of 2015. As is outlined in the table below, the supervised population in D.C. on a given day (excluding average daily arrests) was 22,999, equivalent to approximately 456 out of every 10,000 adults, or 1 in 22 adults.
 - 5 DOJ. (2016). *Department of Justice to launch inaugural National Re-entry Week*. Press Release. Washington, D.C.: DOJ.
 - 6 *Ibid.*
 - 7 Yates, S. (2016, November). *Reforming federal halfway houses*. Washington, D.C.: DOJ, Office of the Attorney General.

report, it is our intention to provide an overview of the D.C. re-entry system, along with recommendations for improvement. It is also our intention that this report breaks out of the traditional mold of policy papers, written by experts who work at an arm's length from their subject matter, by presenting the voices of men and women who have returned from incarceration to home, as well as the many organizations that work tirelessly to serve them, their families and their communities.

Input and information for this report were gathered from a number of sources. Two focus groups of returning citizens were held at CCE in late 2015. Combined, there were seven men who had been back in the community for between two and 30 years. Additionally, we conducted individual interviews, toured various facilities and engaged in an in-depth analysis of data from D.C.'s primary offender supervision agency and data from many other primary and secondary sources. The diversity and comprehensiveness of these conversations, coupled with research and analysis, have provided CCE with a better understanding of the barriers to success that challenge returning citizens on a daily basis. We hope we have adequately covered the myriad issues and presented the innovative approaches we found locally and nationally that are lessening or removing such barriers.

This report is organized into 10 chapters which begin with an overview of D.C.'s returning citizens and the District's complex, bifurcated criminal justice system that returning citizens enter and exit both locally and through the Federal Bureau of Prisons. Chapters 3 through 6 cover returning citizens' daily challenges with housing, employment, education, and physical and behavioral health. Chapters 7 through 9 focus on particular populations of returning citizens who provided unique and distinct voices that illuminated their specific needs. These voices included women, young offenders and members of the LGBTQ community. The final chapter outlines social supports like family ties and mentoring that we believe can make a positive difference to returning citizens.

In each chapter, we have attempted to present re-entry in the national context juxtaposed with and often reflected in the issues and opportunities facing D.C. To mitigate against a report that simply uncovers problems, we have made a conscious effort to present promising practices locally and nationally, as well as numerous recommendations—some very concrete and others more aspirational—in an effort to move the needle forward. D.C.'s public and private sectors must strive to replicate policies and programs that are working but must also find new solutions that can disrupt the status quo.

The recommendations at the end of each chapter are ordered to comport with each chapter's structure. Appendix B compiles all the recommendations and identifies the agencies and organizations that could collaborate to implement each reform.

The District has unique re-entry obstacles. These many challenges, however, should not prevent the city from becoming a place where returning citizens can move beyond second chances and fulfill their full potential.

An Overview of D.C.’s Returning Citizens

The District of Columbia has a unique criminal justice system, involving a complicated mix of local and federal facilities and agencies. Under this system, D.C. Code offenders, or individuals who have violated a portion of the D.C. Code rather than federal law, may face additional obstacles as a consequence of being incarcerated by the Federal Bureau of Prisons (BOP), rather than in a state system as is the case in most other jurisdictions.

We start with an overview of D.C.’s returning citizens because this report is meant to focus on the people—through their own voices—whose lives and communities are affected by short- and long-term incarceration, by the separation of thousands of miles between home and prison and by the challenges they face upon return.

First, a note on language. This report uses the phrase “returning citizen” to describe the people around whom this report centers because it is the preferred terminology in the District, as expressed by the community of people who have been directly affected by involvement with the justice system. CCE strives to use “people first”⁸ language in all situations and will use terms like “incarcerated person” or “person with a mental illness” throughout this report, unless quoting a direct source or referring to an official or legal term. “Returning citizen” includes both previously incarcerated people and people with criminal records, classifications which often, but do not necessarily, overlap. For instance, a person can be arrested and spend significant time in jail awaiting trial and have the charges dropped, or be convicted of a misdemeanor and never spend a day in jail, and still face the consequences of justice system involvement when returning to his or her community. It is a term of art chosen to express people’s desire to be fully included in the life of their community—to work, go to school, vote, serve on juries, raise their children and contribute taxes. Also, the term “returning citizen,” as used throughout this report, does not exclude people who are not U.S. citizens.

It is difficult to estimate how many returning citizens currently live in D.C. There are two challenges: First, people are mobile, and someone incarcerated five years ago might not still live here. Conversely, people with conviction records from other jurisdictions move to the District. Second, the District’s criminal justice system is bifurcated, comprised



ANTHONY PLEASANT
Returning Citizen

8 See La Vigne, N. G. (2016). *People first: Changing the way we talk about those touched by the criminal justice system*. Washington, D.C.: Urban Institute.

of many federal and local components, each with its own data systems to track people, and these different data systems do not always tell the same story.

So how many people are we talking about? Figure 1 shows that in 2015 more than 23,000 people were directly involved with D.C.'s local adult justice system, roughly 4.6 percent of the city's total adult residents, or 1 in every 22 adults. This figure does not account for people from D.C. who are arrested, prosecuted, incarcerated and supervised in the federal system or youth under age 21 who are involved in the juvenile system, nor does this count include returning citizens who have completed their sentences and are no longer under supervision. As of 2012, D.C. was home to an estimated 67,000 people with a D.C. Code or federal criminal conviction, roughly 1 in 8 adult D.C. residents.⁹ This estimate does not include people who were arrested or jailed without ever being convicted of a crime.

9 Cognato, B., Raderstrong, J., & Sager, J. (2015). *A data needs assessment for the Mayor's Office on Returning Citizens Affairs: Identifying, collecting, connecting key data for D.C.'s returning citizens*. Washington, D.C.: The George Washington University.

Figure 1: One-day count of people under correctional control in D.C. in 2015¹⁰

AGENCY	JURISDICTION	ONE-DAY COUNT
Metropolitan Police Department Law enforcement agency for the District of Columbia	District of Columbia	91 adult arrests (daily average) ¹¹
Pretrial Services Agency for the District of Columbia (PSA) Formulates release recommendations and provides supervision and services to adult defendants awaiting trial in D.C. Superior Court	Federal entity with local jurisdiction	4,822 Supervised adults awaiting trial
D.C. Department of Corrections (D.C. DOC) <u>Central Detention Facility (CDF/D.C. Jail)</u> Main detention facility for adult pretrial defendants and adults sentenced to less than one year <u>Correctional Treatment Facility (CTF)</u> Secondary detention facility used for special populations, including women, youth, and people with acute health needs <u>Fairview</u> : Halfway house for women <u>Hope Village</u> : Halfway house for men	District of Columbia	1,690 All D.C. DOC facilities
Federal Bureau of Prisons (BOP) Responsible for adults and youth sentenced as adults confined for D.C. Code offenses <u>Fairview</u> : Halfway house for women <u>Hope Village</u> : Halfway house for men	Federal agency with local jurisdiction	4,796 Does not include D.C. residents in prison on federal charges.
Court Services and Offender Supervision Agency for the District of Columbia (CSOSA) Supervises adult D.C. Code offenders on probation, parole, and supervised release	Federal agency with local jurisdiction	11,691
Total number of people under correctional control in D.C. on a given day in 2015		23,090
Estimated total adult population in D.C.		504,242¹²

10 Data cited in Criminal Justice Coordinating Council (CJCC). (2016). *Justice system involved individuals*. Washington, D.C.: CJCC.

11 It is important to note that the majority of people arrested will not be formally charged by prosecutors. According to data provided to CCE by D.C. DOC, only 12 out of every 100 persons arraigned will be committed to D.C. DOC for pretrial detention, and another 18 percent who are released on recognizance pending adjudication are subsequently incarcerated at D.C. DOC, whether in pretrial or sentenced status.

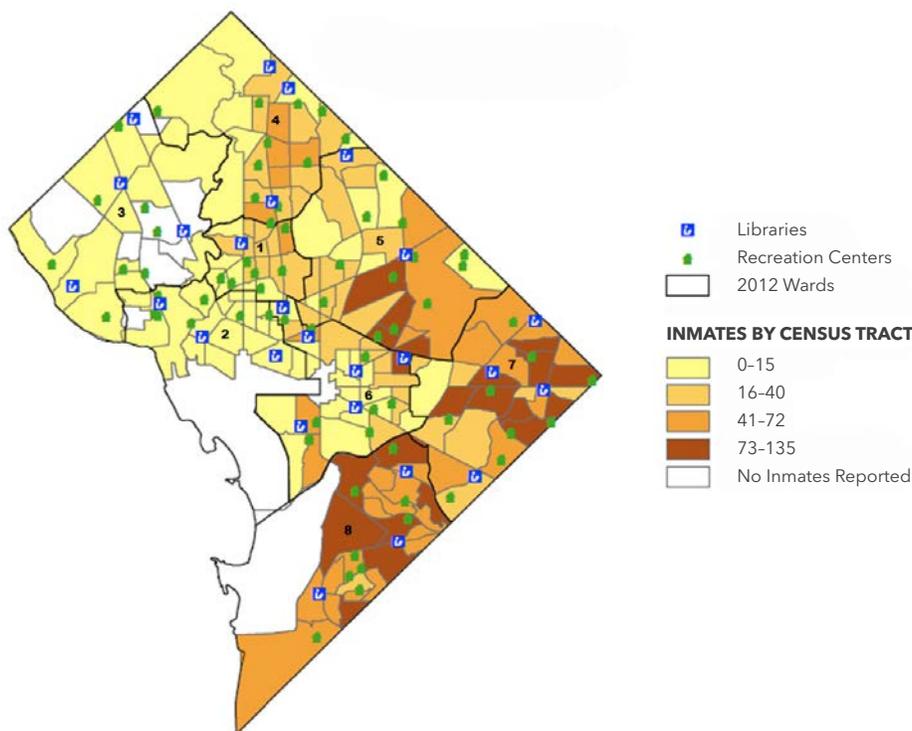
12 USCB. (2015, July 1). *QuickFacts: District of Columbia*. Web. Retrieved from <http://www.census.gov/quickfacts/table/PST045215/00>

The population of D.C. Code offenders is starkly homogeneous. Although slightly less than half of all D.C. residents are black, more than 96 percent of D.C. Code offenders incarcerated at BOP facilities are black.¹³ Less than 4 percent of those in prison are women.¹⁴

The percentages are similar for people in the custody of the D.C. Department of Corrections: 94 percent are men, and 6 percent are women. More than 90 percent are black, and 43 percent are age 30 or younger.¹⁵ Among incarcerated women, 30 percent are between the ages of 21 and 30, and only 1 percent are age 21 or younger.¹⁶

It is also instructive to show the communities from which the incarcerated population is drawn. The map in Figure 2 shows where people in D.C. Department of Corrections (D.C. DOC) custody lived prior to incarceration.¹⁷

Figure 2: D.C. inmates by census tract of residence
July 2014–December 2015¹⁸



13 CSOSA, Office of Research and Evaluation. (2016, November). *Distribution of District of Columbia inmates adjudicated in D.C. Superior Court and housed in BOP facilities, by state and gender*. Washington, D.C.: CSOSA. The percentage excludes 317 incarcerated people who were in transit to or from a BOP facility at the time the data were tabulated.

14 *Ibid.* The percentage includes 317 incarcerated people who were in transit to or from a BOP facility at the time the data were tabulated.

15 D.C. DOC. (2016, June). *D.C. Department of Corrections facts and figures*. Washington, D.C.: D.C. DOC.

16 *Ibid.*

17 *Ibid.*

18 *Ibid.*, p. 11.

The majority of these individuals come from Wards 5, 7 and 8, are black and are men. There are a multitude of stressors on neighborhoods due to the incarceration of their residents. High numbers of people are incarcerated for often brief, but consequential, periods of time in the D.C. Jail.¹⁹ The median length of stay at D.C. DOC is 19 days for men and 7 days for women.²⁰ Such a median length of stay, albeit short, can have a series of unintended collateral consequences for an individual, such as losing a job or being unable to recuperate lost wages. Longer-term incarceration creates even more serious stressors that are covered throughout this report.

The D.C. DOC, including the D.C. Jail, CTF and some beds at the halfway houses, hold people who are awaiting trial and those who have been sentenced to misdemeanors or are otherwise serving sentences of less than a year in duration. In Fiscal Year (FY) 2015, the D.C. DOC had 10,114 intakes and 10,414 releases. This was a slight decrease from FY2014 (11,245 and 11,577 intakes and releases, respectively) but a continuation of the trend of substantial reduction from FY2011 when there were more than 17,000 intakes and releases each.²¹ Approximately 1 in 5 people incarcerated by D.C. DOC have experienced two or more periods of incarceration in the past year.²² In FY2016, the overall average length of stay for men in custody was 161 days; for women it was 80 days.²³ However, in the same period, the median length of stay for women released from D.C. DOC was 11 days; for men it was 18 days.²⁴ Twenty-three percent of men and 11 percent women were in jail for longer than three months prior to release.²⁵

D.C. no longer has its own prison facility, so incarceration is even more complicated for the population of D.C. Code offenders who receive sentences of more than one year, often but not always due to the more serious nature of their crimes. This population is sent to facilities throughout the country, though it is BOP's policy to place them within 500 miles of D.C. when possible.²⁶

The map in Figure 3 shows the distribution of D.C. Code offenders in 2016 who were adjudicated in D.C. Superior Court and housed in BOP facilities by states throughout the nation. The already difficult re-entry process, which this report will describe and analyze in detail, is made even more complicated for D.C. residents incarcerated out of state, who are often unable to meet face-to-face with family, friends and local service providers to prepare for their re-entry.



VICTOR BATTLE
Returning Citizen

19 CCE correspondence with R. Chakraborty, D.C. DOC, November 2, 2016.

20 *Ibid.*

21 D.C. DOC. (2016, June). *D.C. Department of Corrections facts and figures*. Washington, D.C.: D.C. DOC.

22 *Ibid.*

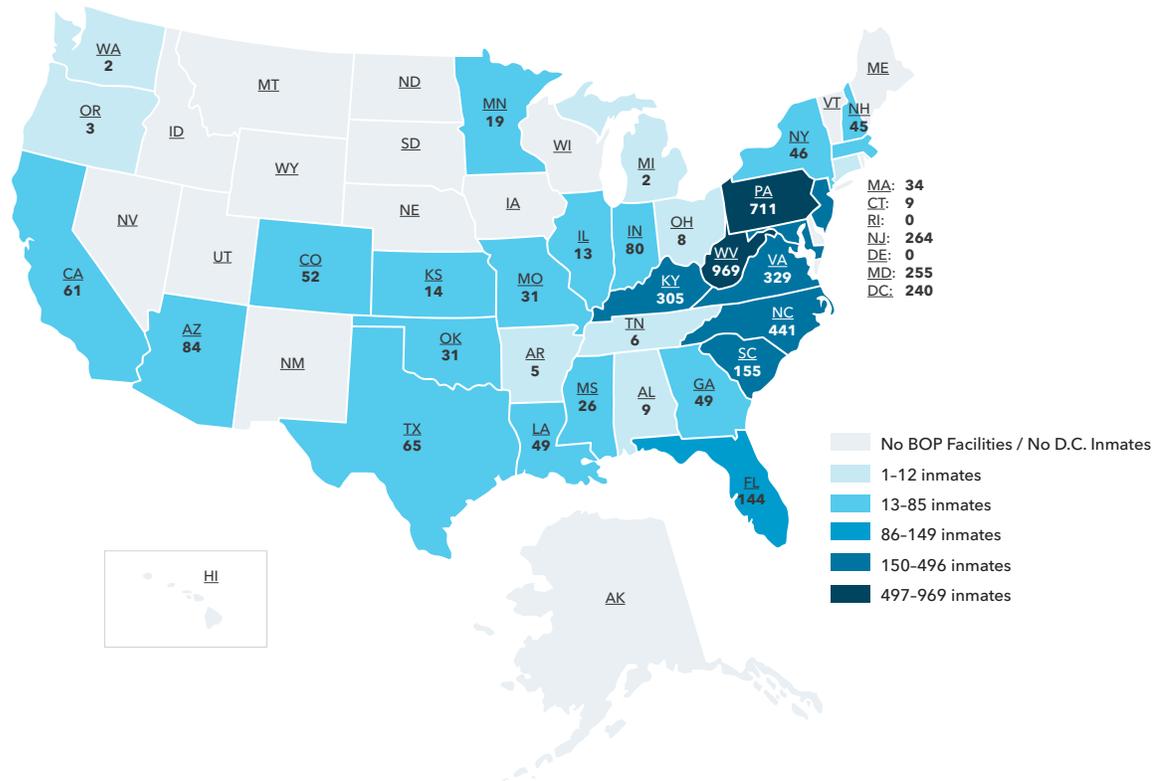
23 *Ibid.* These numbers indicate the percent of incarcerated men and women in custody by legal status—pre-trial, sentenced, felon, misdemeanant, parole violator, and/or writ/hold—and average length of stay. These numbers do not generally represent the larger arrest/intake population, but instead people with more complicated legal statuses.

24 *Ibid.*

25 CCE correspondence with R. Chakraborty, D.C. DOC, November 2, 2016.

26 CSOSA. (2014). *Re-entry in Washington, D.C.* Washington, D.C.: CSOSA.

Figure 3: Distribution of District of Columbia inmates adjudicated in D.C. Superior Court and housed in BOP facilities as of October 31, 2016, by state²⁷



Most of D.C.'s incarcerated population has been—for nearly two decades since the 1997 Revitalization Act—under the control and jurisdiction of the federal government, the details of which this report covers in Chapter 2. This arrangement has had some positive impacts on re-entry, such as an infusion of federal dollars. Nevertheless, despite increased resources, the incarceration of D.C. residents at prison facilities throughout the country has had devastating effects on the re-entry process and on entire communities. Research has shown the importance of family visits and continuity of services between prison and the community. For most D.C. residents in BOP facilities, both of these are virtually impossible. Families and service providers lack the resources to visit facilities spread across the country, and it is difficult and expensive to maintain contact through phone calls.

Some small changes to BOP procedures—such as allowing a small number of people to return to the D.C. Jail from BOP in order to serve the last few months of their sentences closer to home and receive the family and service supports they need—have brought about improvements. But without a significant reimagining of where and how D.C. residents are incarcerated, re-entry efforts will be constrained. In the next nine chapters, we will cover the struggles of re-entry in and to D.C., as well as dozens of recommendations that we offer as a way to reimagine the re-entry process beyond second chances.

27 CSOSA, Office of Research and Evaluation. (2016, November). *Distribution of District of Columbia inmates adjudicated in D.C. Superior Court and housed in BOP facilities, by state and gender*. Washington, D.C.: CSOSA. Graphic developed by Sima Designs using CSOSA data for CCE. Total number does not reflect 317 incarcerated people who were in transit to or from a BOP facility at the time the data were tabulated.

An Overview of D.C.'s Re-entry System

Introduction

Around the country, government agencies and courts enforce and uphold laws specific to their jurisdiction and are funded by their state or locally at the county or city level. Much like those states and localities, the District of Columbia has its own local laws, outlined in the D.C. Code. The District's criminal justice system, however, is unlike any other jurisdiction in the nation because it is subject to the control of both federal and local agencies.

The District can point to 1997 as the turning point when Congress enacted the National Capital Revitalization and Self-Government Act (the Revitalization Act) with the goal to “relieve the District of Columbia Government of major financial and management responsibilities by having the federal government assume responsibility for functions typically funded by state governments.”^{28, 29} As a result, D.C.'s prison, Lorton Reformatory, was closed, and the federal government took over corrections and other criminal justice system functions, including the District's courts and its probation and parole agencies.

Today, much of the D.C. criminal justice system, from prosecution to re-entry planning, remains under the federal government's control. This chapter will outline that complex system to serve as a foundation for this report. We begin with the courts and governmental agencies that supervise D.C. Code offenders and returning citizens in the District of Columbia, followed by an overview of agencies, nonprofit organizations and coalitions that provide support to the returning citizen community. Many of these entities are featured throughout this report, particularly those that provide direct services to returning citizens, whose own voices describe their first-hand experiences.

This chapter will devote a significant amount of coverage to halfway houses in light of the many challenges that they present for returning citizens. We will also, however, present one promising practice in Montgomery County, Maryland, that is a different path and might be seen as a model. Furthermore, this chapter will dedicate a significant amount of attention to certain aspects of the District's organizational network of support for returning citizens, some of which are government agencies or nonprofit organizations.

28 CSOSA. (n.d.). National Capital Revitalization and Self-Government Improvement Act of 1997. Web. Washington, D.C.: CSOSA. Retrieved from <http://www.csosa.gov/about/history/revitalization-act.aspx>

29 Bouker, J. (2016). *The D.C. Revitalization Act: History, provisions and promises*. Washington, D.C.: The Brookings Institution., p. 90-91.

Criminal Justice System Authorities

Like most places in the U.S., there are two separate criminal justice systems at work in D.C. The first is federal, and this report refers to people involved in that system as federal offenders. Federal offenders are people charged with violating federal laws, who are prosecuted by the U.S. Attorney for the District of Columbia in the U.S. District Court for the District of Columbia and sentenced to serve time in the Federal Bureau of Prisons. If released to the community, they are supervised by U.S. Probation and Pretrial Services. This is the same system that anyone in the country is subject to if charged with violating federal law.

Most people in the District, however, are charged with violating D.C.'s local laws, and this report refers to people involved in that system as D.C. Code offenders. This second system is D.C.'s equivalent of a state system, but because of D.C.'s unique position as a federal district, D.C. Code offenders follow a chain of custody and supervision that bounces back and forth between local and federal agencies.



CHARLIE CURTIS
Returning Citizen

Generally, after being arrested for a violation of D.C. law and arraigned at D.C. Superior Court, a federally funded and controlled court with local jurisdiction, a person is either conditionally released under the supervision of the Pretrial Services Agency (PSA),³⁰ which is a federal agency with local jurisdiction, or confined by the D.C. DOC (local agency), either at the Central Detention Facility (CDF or D.C. Jail) or the Correctional Treatment Facility (CTF). The D.C. DOC operates the D.C. Jail, which houses only male offenders. The Corrections Corporation of America, a private, for-profit company, currently operates CTF, which houses all female offenders, juveniles being adjudicated as adults, and some male offenders. In February 2017, however, D.C. DOC will assume operations of CTF.³¹ It is also possible, on occasion, that a person will be confined at a halfway house facility while awaiting trial, particularly if he or she is participating in a work-release program.

D.C. Code offenders are prosecuted by the U.S. Attorney's Office for the District of Columbia (USAO D.C.), a federal office within the Department of Justice (DOJ) with local jurisdiction. Juveniles and some misdemeanor crimes are prosecuted by the D.C. Office of the Attorney General (D.C. OAG), a local agency. D.C. Code offenders are tried in the D.C. Superior Court. If a defendant is convicted of a misdemeanor and sentenced to less than a year of incarceration—or is still awaiting trial and has not been awarded conditional release—he or she will remain either in the custody of the D.C. DOC.³²

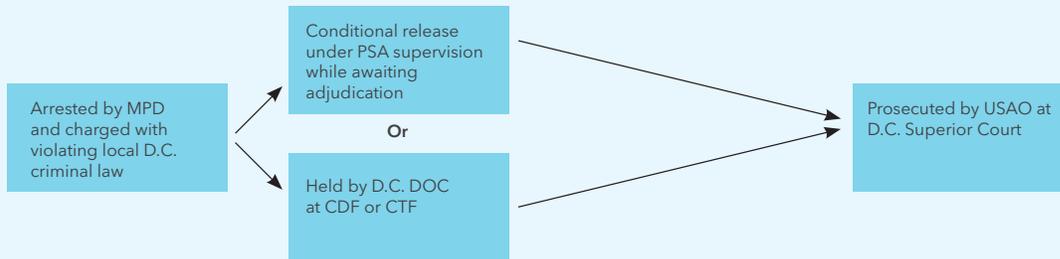
30 Pretrial Services Agency for the District of Columbia (PSA). (n.d.). About. Web. Retrieved from <https://www.psa.gov/?q=about>

31 For more information on the conditions of the D.C. Jail and CTF, see Washington Lawyers' Committee (WLC) for Civil Rights and Urban Affairs. (2015). *D.C. prisoners: Conditions of confinement in the District of Columbia*. Washington, D.C.: WLC.

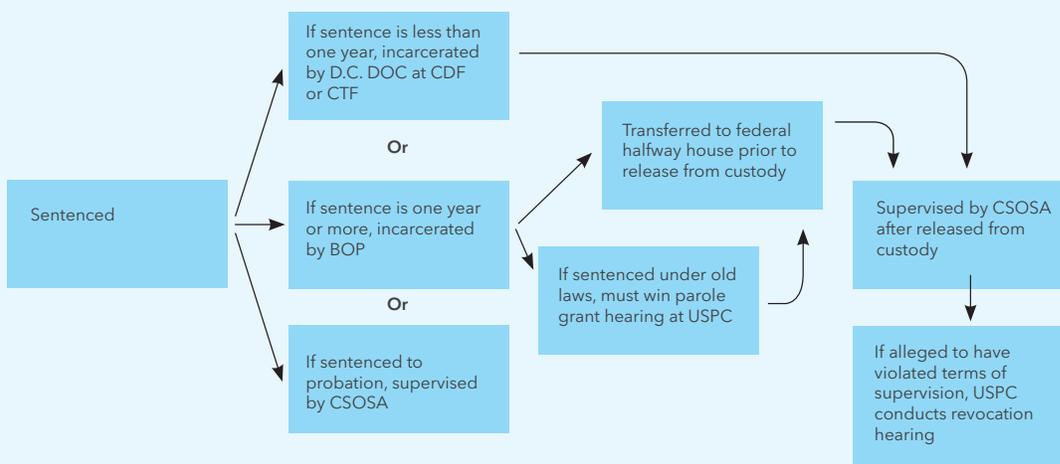
32 Corrections Information Council (CIC). (2016). *CIC Pop-Up Think Tank: Reimagining CTF*. Washington, D.C.: CIC

A D.C. Code offender's typical path through D.C.'s adult criminal justice system

PRE-ADJUDICATION



POST-ADJUDICATION (IF FOUND GUILTY)



If a defendant is sentenced to probation or time served with community supervision, he or she will be supervised by the Court Services and Offender Supervision Agency (CSOSA), created in 1997 to perform community supervision for D.C. Code offenders.³³ CSOSA is another federal agency with local jurisdiction over D.C. Code offenders who are on probation, parole and supervised release.³⁴ As of October 2014, 12,990 people were under CSOSA supervision.³⁵ Of those, 10,587 resided within the District of Columbia.³⁶

If a defendant is convicted of a felony and sentenced to a year or more, he or she will be sent to a BOP facility. BOP prisons are scattered around the country, and some D.C. Code offenders are housed as far away as Washington State and California, although many are in West Virginia, Pennsylvania and North Carolina.³⁷

33 CSOSA. (2016). *History*. Web. Retrieved from <http://www.csosa.gov/about/history.aspx>

34 Parole decision-making functions for people with felony convictions are handled by the United States Parole Commission, and not CSOSA. See *Ibid*.

35 CSOSA. (2014). *CSOSA overall offender profile*. Washington, D.C.: CSOSA.

36 *Ibid*.

37 *Ibid*.

To address geographic separation and other issues, D.C. criminal justice reform advocates in 2016 met with the staff of the Charles Colson Task Force on Federal Corrections (Colson Task Force), a bipartisan group of policymakers and criminal justice experts tasked with examining how to improve the federal correctional system. In that meeting, D.C. representatives requested, among other things, that BOP establish a director of D.C. federal corrections to serve as the point-person for re-entry services for D.C. Code offenders and communication with the BOP about this population. In its final report, however, the Colson Task Force did not address any D.C.-specific issues.³⁸

Furthermore, D.C. Code offenders tend to be held in the highest security facilities, at least for the first several years of their sentence. As was explained by Philip Fornaci, former director of the D.C. Prisoners' Project, "The brutal reality of confinement within this system, combined with the isolation that is exacerbated by long distances from D.C., creates additional re-entry challenges for D.C. prisoners and for the D.C. community."³⁹

As of October 2016, 4,873 D.C. Code offenders were in BOP custody, 96 percent of whom were men.⁴⁰ When approaching the end of one's sentence, a person will often be transferred from a BOP prison to a privately run residential re-entry center (RRC or halfway house) that contracts with the BOP.

Upon release from custody, a person serves his or her term of parole or community supervision under CSOSA, and CSOSA's Transitional Intervention for Parole Supervision (TIPS) team works with returning citizens to develop a re-entry plan.⁴¹ If someone is returning directly to the community from prison, this plan is developed at that facility; if the person is transitioning to an RRC, the plan is not developed until the individual gets there.⁴²

If a person is accused of violating the terms of his or her parole or supervision, that person will face the U.S. Parole Commission (USPC), which is federal. If the person serving parole or supervised release is found in violation, they will be returned to the custody of the BOP;⁴³ however, they are most likely to be held at the D.C. DOC while awaiting their hearing.⁴⁴

The USPC has the ability to grant and revoke the parole of offenders sentenced under an old sentencing scheme⁴⁵ and to revoke the community supervision of code offenders sentenced under D.C.'s new sentencing scheme.⁴⁶

38 See generally, Charles Colson Task Force. (2016). *Transforming prisons, restoring lives: Final recommendations of the Charles Colson Task Force on Federal Corrections*. Washington, D.C.: Urban Institute.

39 *Housing of D.C. felons far away from home: Effects on crime, recidivism and re-entry*: Hearings before the Committee on Oversight and Government Reform, House of Representatives, (2010). (Testimony of Philip Fornaci).

40 CSOSA, Office of Research and Evaluation. (2016, November). *Distribution of District of Columbia inmates adjudicated in D.C. Superior Court and housed in BOP facilities, by state and gender*. Washington, D.C.: CSOSA. Total number in BOP custody includes 317 incarcerated people who were in transit to or from a BOP facility at the time the data was tabulated.

41 CSOSA. (2016). *Offender Re-entry*. Washington, D.C: CSOSA.

42 *Ibid.*

43 Buchanan, A. E. (2015, August 14). Improve D.C.'s parole practices. *The Washington Post*.

44 CCE correspondence with R. Chakraborty, D.C. DOC, November 2, 2016. According to the D.C. DOC, "on an average daily basis, more than 450 inmates [in their custody] are parole violators," most having violated technical aspects of the conditions of their release, or are not being held at D.C. DOC for charges other than parole violation. For individuals awaiting a final USPC decision, "the average length of stay prior [to the decision] exceeds 100 days. These inmates comprise more than 15 percent of the incarcerated population [at D.C. DOC]."

45 Hoffman, Peter B. (2002). *History of the Federal Parole System*. Washington, D.C.: DOJ.

46 DOJ. (2016). *Frequently asked questions*. Web. Retrieved from DOJ: <https://www.justice.gov/uspc/frequently-asked-questions#q7>

The USPC replaced the former D.C. Board of Parole when it was abolished by the sentencing reform process required by the Revitalization Act of 1997.⁴⁷ The Revitalization Act followed 10 years after the federal government abolished parole for federal offenders, when the USPC, which seemed to be gradually running out of incarcerated people over whom it exerted authority, was supposed to be in a “phase-out” period.⁴⁸ Instead of being phased out, the 1997 Act gave the USPC a new population to oversee, and D.C. Code offenders soon became the largest population over whom the USPC has jurisdiction, with D.C. Code offenders, parolees, and people under supervised release accounting for nearly 83 percent of the commission’s current jurisdiction.⁴⁹ The remainder are federal offenders, consisting of federal prisoners and parolees sentenced under old laws, transfer treaty, and military justice offenders.⁵⁰

The USPC uses its own guidelines for granting parole, despite the existence of D.C. rules.⁵¹ In April 2016, 17 people who were judges, U.S. Attorneys and defense attorneys during the era of the D.C. Board of Parole—plus a former chairperson of the Board of Parole itself—signed a letter expressing their opinion that the USPC’s guidelines are applied in a manner that is not consistent with the intent of judges who handed out indeterminate sentences.⁵² The expectation at the time was that a person would be released at their minimum sentence, unless there were specific and articulated circumstances, such as poor conduct in prison, that warranted additional incarceration.⁵³ This does not appear to be the USPC’s practice. Judge Mary Ellen Abrecht, one of the signatories to the letter, said, “I was surprised that the Parole [Commission] was sort of ignoring the judge’s sentence and establishing their own guidelines as to what kind of time the offense was worth.” She explained, “When you’re a judge making a sentence, you expect that your sentence [will be] honored.”⁵⁴

Many people do not have an attorney to advocate for their release at their USPC parole grant hearing because there is no guarantee of representation, and it can be difficult to find attorneys knowledgeable about the D.C. Code who can reach D.C. Code offenders dispersed at prisons across the country. These factors have led to comparatively low rates of attorney representation. Between 2001 and 2006, less than 1 percent of D.C. Code offenders had representation at their parole grant hearings.⁵⁵ This is considerably less than the representation rate for federal parole hearings during the same time, which was just less than 10 percent.⁵⁶



CLARENCE JOHNSON
Returning Citizen

47 Hoffman, Peter B. (2002). *History of the Federal Parole System*. Washington, D.C.: DOJ.

48 *Ibid.*

49 DOJ. (February 2016). *FY2017 performance budget Congressional submission: United States Parole Commission*. Washington, D.C.: DOJ., p. 16.

50 *Ibid.*

51 Brief for Council for Court Excellence as Amici Curiae Supporting Petitioner, *Bailey v. Smoot*, cert. denied, 2016 WL 4524368 (U.S. Apr. 14, 2016). (No. 15-1217).

52 *Ibid.*

53 *Ibid.*

54 Rodd, S. (2016, September 30). D.C.’s broken parole system. *Washington City Paper*.

55 *Ibid.*

56 *Ibid.*

Furthermore, participation in rehabilitative programming became a requisite for granting parole under the USPC system.⁵⁷ Participation in such programs is difficult due to the lengthy waitlists for rehabilitative programming. For example, the waitlist for the Residential Drug Abuse Program at the BOP was 6,980 people long for FY2008 and 4,807 people long for FY2012.⁵⁸ Other programs are only available at particular prisons. For instance, as of September 30, 2016, “only two of the 100-plus BOP facilities have residential sex offender programs.”⁵⁹ With such a small number of programs, it is hardly surprising that between 2008 and 2012, the waiting list for sex offender programs rose nearly fivefold from 381 to 1,776 incarcerated people.⁶⁰

Parole and revocation hearings, held after a person is alleged to have violated the terms of their release, also present challenges. Many of these hearings are held locally at the D.C. DOC and people are usually represented by attorneys from the Public Defender Service for the District of Columbia’s (PDS) Parole Division. But, as Avis Buchanan, director of PDS explains, “In many cases, a person leaves a hearing with a favorable recommendation only to find that the decision has been overturned and a harsher sentence imposed by an unnamed commissioner he or she has never met and who did not attend the hearing.”⁶¹ Opportunities to engage in diversion processes at this stage exist, including a Mental Health Docket and a program called Short Term Interventions for Success, but capacity is limited.⁶²

Overall, the process for granting parole and revoking parole or supervision under the USPC does not effectively serve D.C. Code offenders.

We now turn to the subject of halfway houses in detail because of the many challenges they too present for returning citizens.

Halfway Houses

Across the country, the BOP contracts with halfway houses that house and provide re-entry services to men and women approaching their release from custody.⁶³ The BOP has great latitude in determining a person’s length of stay. A BOP guidance memo issued in 2013 explains that a “placement less than 90 days [at a residential re-entry center] is typically not considered sufficient to address multiple re-entry needs,” and that a stay of several months up to the maximum of one year may be necessary to achieve a returning citizen’s re-entry goals.⁶⁴

In 2015, then-Attorney General Eric Holder introduced a new Statement of Work (SOW) for RRC contractors that requires halfway houses under all future contracts to provide public transportation vouchers or transpor-

57 *Ibid.*

58 U.S. Government Accountability Office (GAO). (2013, July). *Bureau of Prisons: Timelier reviews, plan for evaluations, and updated policies could improve inmate mental health services oversight*. Washington, D.C.: GAO.

59 *Ibid.*

60 *Ibid.*

61 Buchanan, A. E. (2015, August 14). Improve D.C.’s parole practices. *The Washington Post*.

62 DOJ. 2016, February. *FY2017 performance budget Congressional submission: United States Parole Commission*. Washington, D.C.: DOJ., p. 11-12.

63 BOP. (2016). *Completing the transition*. Web. Retrieved from BOP: https://www.bop.gov/about/facilities/residential_re-entry_management_centers.jsp

64 Dodrill, D. S. (2010). *Memorandum for Chief Executive Officers: Revised guidance for residential re-entry center (RRC) placements*. Washington, D.C.: BOP., p. 4.

tation assistance to help residents secure employment; requires federal halfway houses to allow residents to have cell phones to facilitate communication with potential employers and family; and improves and expands home confinement, where an individual lives in the community, often with family, while still in BOP custody and under the supervision of an RRC, by increasing the use of GPS monitoring.⁶⁵ However, residents are not allowed phones with internet access, limiting their usefulness.

In addition, the SOW has retained a policy authorizing RRCs to take 25 percent of residents' gross wages and funds from Veterans Assistance, Workers Compensation, Social Security, retirement income or income from the sale of property. Known as "subsistence payments," these charges are framed as a way to "promote financial responsibility" and remain in place until release from custody "to enhance successful re-entry."⁶⁶ As of November 30, 2016, the Deputy Attorney General for the United States encouraged BOP to issue more waivers for subsistence payments to indigent people.⁶⁷ This is an appropriate step, but subsistence fees should be altogether eliminated from the federal law.

Such mandatory payments, however, and the BOP's rationale for them are not grounded in reality. There is no research to show that garnishing RRC residents' wages promotes financial responsibility. In fact, given that most people leave prison with little or no savings or income, this garnishment compounds the challenge of saving for rent, paying child support and paying fees and fines. Rather, subsistence payments appear to be a cost-saving measure for the BOP and RRCs.

We introduce Teresa Hodge, a returning citizen whom you will hear about and from throughout this report. Teresa reduced her stay in the halfway house from six months to six weeks after quickly securing a job and transferring to home confinement status. However, she still had to give 25 percent of her gross income to the halfway house for the full six months, even though she was not living there. As of August 1, 2016, individuals under the supervision of an RRC but in home confinement status have been granted relief, but all those residing at an RRC must still make subsis-



Double-bunked room in Hope Village.
(Tracy Velázquez/CCE)

65 DOJ. (2014). *In new step to fight recidivism, Attorney General Holder announce Justice Department to require federal halfway houses to boost treatment for inmates prior to release*. Press release. Washington, D.C.: DOJ.

66 BOP. (May 2015). *Statement of work (SOW): Residential re-entry center*. Washington, D.C.: BOP, p. 57-58.

67 Yates, S. (2016, November). *Reforming federal halfway houses*. Washington, D.C.: DOJ, Office of the Attorney General.

tence payments.⁶⁸ Putting 25 percent of resident's wages into savings accounts to be used by the resident upon completing the RRC term would better support successful re-entry.

Approximately half of D.C.'s returning citizens spend time in a halfway house at the end of their sentence.⁶⁹ While some D.C. Code offenders in BOP facilities return to halfway houses outside the District, most men go to Hope Village, a 300-plus bed apartment complex in Southeast D.C., that has been under a set of long-term contracts with the BOP that are expiring in October 2016 and October 2017.⁷⁰ The women's facility, Fairview Halfway House, is in Northeast D.C. and has approximately 45 beds.

CSOSA also requires some high-risk returning citizens to temporarily reside at its Re-entry and Sanctions Center and to participate in a four-week assessment and reintegration program.⁷¹ Unlike BOP halfway houses, CSOSA does not require payments or earning garnishments of persons residing at this center.

The D.C. Corrections Information Council (CIC) is a D.C. agency tasked with inspecting the correctional facilities that house D.C. Code offenders. In 2013, the CIC inspected Hope Village and found numerous deficiencies.⁷² In 2014, the CIC also inspected Fairview, issuing a generally favorable report about the facility.⁷³ Hope Village and Fairview do not issue annual reports about improvements, and it is unclear whether the issues that the CIC identified in its reports have been addressed.

One significant issue at Hope Village is the safety of its surroundings. Data from the Metropolitan Police Department confirms this, as shown in Figure 4.

68 BOP. (2016). *Completing the transition*. Web. Retrieved from https://www.bop.gov/about/facilities/residential_reentry_management_centers.jsp

69 CSOSA. (2014). *CSOSA Fact Sheet*. Washington, D.C.: CSOSA.

70 BOP. (2016). *Completing the transition*. Web. Retrieved from https://www.bop.gov/about/facilities/residential_reentry_management_centers.jsp

71 CSOSA. (2006). *Re-entry and sanctions center*. Web. Retrieved from http://www.csosa.gov/supervision/programs/reentry_sanctions_center.aspx

72 Bonner, M. R., Huffman, K. A., & Whittaker, S. (2014). *Hope Village report*. Washington, D.C.: CIC. CIC has not released a new or updated report on Hope Village since May 2013. CCE acknowledges that Hope Village may have addressed some of the issues highlighted in the 2013 report.

73 CIC. (2014). *The Fairview RRC*. Washington, D.C.: CIC.

Figure 4: Reported crimes within 1500 feet of Hope Village, August 2014 - August 2015⁷⁴

VIOLENT CRIMES	INCIDENTS
Homicide	9
Sex abuse	3
Robbery excluding gun	6
Robbery with gun	14
Assault dangerous weapon excluding gun	20
Assault dangerous weapon gun	20
TOTAL VIOLENT CRIME	72
PROPERTY CRIMES	INCIDENTS
Burglary	16
Theft	39
Theft F/Auto	32
Stolen Auto	18
TOTAL PROPERTY CRIME	109
TOTAL CRIME	177

One of the participants in CCE’s focus group left the forum early because he was concerned about his safety returning to Hope Village after dark. Many of the men expressed similar concerns about the safety of the neighborhood, asking “Have you been there? It’s rough.”

Recently, advocates have regularly heard from men whose placement at Hope Village has been revoked after a mere accusation of a disciplinary violation. The D.C. Prisoner’s Project explained that men are being removed from Hope Village and sent to Piedmont Regional Jail in Virginia, often for minor rule violations. After being transferred almost 200 miles, these men are often found guilty of the disciplinary charge in-absentia while the hearing is conducted back at Hope Village without the person accused. The Prisoner’s Project reports, “Clients tell us that they serve the rest of their sentences at Piedmont without access to re-entry services, and are given a bus ticket back to D.C. upon their release.”⁷⁵

74 Metropolitan Police Department (MPD). (2016). *Crime map*. Online data set. Retrieved from <http://crime-map.dc.gov/CrimeMapSearch.aspx>.

75 CCE correspondence with E. MacLeod, Legal Fellow, D.C. Prisoner’s Project, Washington Lawyers’ Committee for Civil Rights and Urban Affairs, November 9, 2016.

IN THEIR OWN VOICES:

Returning Citizens Share Their Experiences with Hope Village Halfway House

In order to hear directly from people who have experienced life inside of D.C. halfway houses, CCE and University Legal Services conducted a listening session with current and recent Hope Village residents. Their experiences, described below, are juxtaposed with Hope Village's official policy.

The BOP's RRC Employment Policy: "RRC staff assist inmates in obtaining employment through a network of local employers, employment job fairs, and training classes in resume writing, interview techniques, etc. Ordinarily, offenders are expected to be employed 40 hours/week within 15 calendar days after their arrival at the RRC."⁷⁶

D.C. Returning Citizens on Hope Village's Employment Assistance: "Keith," a returning citizen, described Hope Village staff members as complicating his employment search, even preventing him from going to a job interview because they had not first verified it. "I went to a job site Wednesday, and [Hope Village staff] didn't give me a bus route to get there, they just gave me the address. All I knew was that it was by Nationals Stadium. So I got down by Nationals Stadium, but I couldn't find it." In addition, Hope Village residents are not allowed to have cell phones, an essential tool for finding a job.

Keith did note one particularly helpful staff member at Hope Village, someone who "actually cares. If she sees that you are trying, she will bend with you... She got me directions, and called places where I wanted to apply. If I ever had a problem...I'd call her. It got to the point where there was a trust level that was built."

Hope Village interviewees described a lack of transportation tokens that "causes guys to lose jobs." They were frustrated with Hope Village staff calling their places of employment, which contributed to employers viewing them as unprofessional or unreliable. "When staff knew I had to get to my job, they would tell me to clean something at the halfway house, making me late. But I knew I had to play the game so I wouldn't be sent back to prison."

The BOP's RRC Substance Use Treatment Policy: "RRCs offer drug testing and substance abuse programs. Based upon the inmate's needs and substance abuse history, they may be referred for substance abuse treatment by contracted treatment providers. In addition, inmates who have completed the Residential Drug Abuse Program (RDAP) while confined at a BOP institution are expected to continue their drug treatment with these certified community treatment providers under contract with the BOP."⁷⁷

D.C. Returning Citizen Speaks to Hope Village's Substance Use Programming: "I appreciate

76 BOP. (2016). *About our facilities*. Web. Retrieved from BOP: <https://www.bop.gov/about/facilities/>

77 *Ibid.*

it for being able to go to the halfway house and everything, but I'm more depressed in there than when I was locked up. I used to smoke PCP. I asked for a program 'cause of the urges ... [but was not enrolled in one]. How are they still open?"

The BOP's RRC Health Care Policy: "RRC contractors provide offenders an opportunity to access medical and mental health care and treatment. The intent is to assist the offender in maintaining continuity of medical and mental health care and treatment. Inmates ordinarily transfer from an institution to an RRC with an initial supply of required medications."⁷⁸

D.C. Returning Citizen Speaks to Hope Village's Health Care: When Keith broke his foot, he called Hope Village, and the halfway house refused to pick him up at the hospital and told him to catch the bus, for which he didn't have tokens. He ended up walking back to Hope Village on his broken foot. Another returning citizen told CCE, "I was out of my [blood pressure and cholesterol] medicine since last month and they just sent me to Unity yesterday. And I still have to wait maybe another week till I get them." He reported not receiving his medications until late in the evening, hours after dinner was served, despite his doctor's instructions to take them with food. When asked who helped him plan for his medical treatment after his release, he responded that Hope Village had not discussed this with him, so he sought out assistance with this from University Legal Services.

Another concern is that Hope Village does not provide adequate mental health services. One returning citizen in our focus group had this to say on the subject: "I did sixteen years in solitary confinement at [a] super-max prison ... I went to jail at 19 and came out when I was 40. When I came to Hope Village, I received no psychological therapy counseling."

*Other Comments About Hope Village Operations:*⁷⁹

Regarding Hope Village's food services, one resident said "[T]hey peanut butter and jelly you to death. I understand you're not at home, but they give you baby portions."

"The people who are really going to listen to you and understand you and help you are few and far between. I don't care if it's a pass,⁸⁰ any type of problem, you're hungry, you need your medicine, or whatever it is. A person who cares is just nonexistent. So you're stuck with these people who don't care [and] are mean, or they're circumventing the rules to adapt to what they got going on instead of it being about us."

"Their mindset is 'we're dealing with uneducated, violent, childish-minded thinking people.' When we come there, you're talking to a grown man who has survived stab wounds, 20 or 30 years of prison. They know that you have to humble yourself because your freedom is on the line..."

78 *Ibid.*

79 Velázquez, T. (2015, February). *Notes from a tour of Hope Village*. Unpublished notes on file with CCE.

80 *Ibid.* A "pass" is the documentation needed for a resident to receive permission to leave the premises for any reason: work, medical or mental health appointments, family visits, school, or any other services.

“Am I still in prison or in society? When they say you are still incarcerated in Hope Village and other halfway homes, that’s the truth. You are truly still incarcerated, mentally, physically and emotionally. Hope Village is a true failure. Yes, it’s a place to house us, but is it a place to grow and be productive? I can tell you hell no.”

“[Who we] need [working] in Hope Village [are] returning citizens. Returning citizens can help other returning citizens [with] things we might not tell you, or things you might not understand.”

Promising Practices: The Montgomery County Pre-Release Center

The statue in front of the Montgomery County Pre-Release Center (PRC) is called *Starting a New Life*. A man and a woman both hold an old-fashioned metal lunch box and share a kiss as one of them heads off to work. For Stefan LoBuglio, the former director of PRC, the sculpture is a statement about the importance of employment for people leaving the county’s jail. “Adults need to work,” says LoBuglio. “Being able to support oneself and one’s family is a key human need.”



Starting a New Life at Montgomery County Pre-Release Center (Tracy Velázquez/CCE)

PRC’s primary focus is to assist returning citizens secure and keep employment. “When people step off the van from the jail,” says LoBuglio, “their heart starts to pound when they hear they have to work in 28 days. They say, ‘How am I, a convicted felon, going to get a job?’ But the reality is that 80 percent of returning citizens do get jobs, including those convicted of violent offenses.”

“PRC is still rare in the way we operate,” notes LoBuglio. “Looking at criminal justice policy across the country, pre-release is not broadly accepted as an important component to successful re-entry. And it really should be. The ‘missing link’ in re-entry is having these types of programs.”

PRC primarily accepts people currently serving sentences at Montgomery County detention centers, although it has some residents from the Maryland state prison system. There are 171 residential beds. A person can stay at PRC for as long as a year, although the average stay is 105 days. PRC staff select program participants from jail who are within a year of their release,

then file a request with the appropriate court for their transfer. Even people convicted of violent offenses can participate in PRC. It does not admit people who escaped or attempted escape from another facility or have additional pending criminal charges. Because of the program’s focus on employment, program participants must be able to work legally in the U.S.

“Here in Montgomery County, they chose a different path.”

STEFAN LOBUGLIO, FORMER DIRECTOR, MONTGOMERY COUNTY PRE-RELEASE CENTER

In operation for more than 40 years, PRC staff have developed a routine for new participants that has proven successful. People arrive at PRC from jail and immediately meet with a case manager, then go through orientation. They are assessed for job readiness and other issues that may require services. By the end of the first week, a re-entry plan is developed for each program participant.

Ben, a PRC resident, noted, “I was pushed to make sure I have a resume and look for work. I was in a D.C. halfway house previously. You can see the difference. In D.C., there were no computers, no resources. If I were still there, I wouldn’t have a job.” Luisa, another PRC resident and military veteran, said, “I feel PRC is giving me a chance. It’s helping me get back on my feet.”

Derek, also a PRC resident, described the PRC philosophy toward employment. “They help us, but we have to help ourselves. Ms. Nelson [a work release coordinator] and the others, they can’t hold our hands. If we need a birth certificate, social security card, we have to get that first, and they’ll help with that. If you want, you can go to school. If you end up in a job that’s not right, they will help you find something that is. But they know once we leave, there’s no more PRC out there. We’ll have to do everything for ourselves.” LoBuglio concurs, which is why PRC focuses on placing program participants in private sector jobs. “Many residents expect us to give them a job. We say you have to get the job yourself. But we’ll help you work on your resume and help you follow through with an interview.”

PRC residents learn how to disclose their record when employers ask about it. According to LoBuglio, returning citizens “need to be able to explain what happened, what they learned from it. We cut off the instinct to say, ‘No one will hire me because I’m an ex-felon.’ We short-circuit that.”

PRC’s 40-year presence in the community is an asset to program participants seeking employment. According to PRC resident Cody, “Because a lot of employers have hired people from here, I knew they wouldn’t judge me. One of my managers was PRC once, too. Those who came before have opened doors for us. And the better we do, it’ll help open doors for others, too.” <http://www.montgomerycountymd.gov/cor/prrs/index.html>

REPLICATING THE PRC MODEL

PRC has measurable outcomes to show for its work. When residents leave, 99 percent of them have housing and more than 80 percent have private sector jobs. During their first three years after exiting PRC programming, there is a 28 percent reconviction rate for nonmisdemeanor offenses, considerably lower than the 42.5 percent reconviction rate of re-entering citizens as reported in an analysis of re-entry rates among 30 U.S. states.⁸¹

Arthur Wallenstein, now-retired director of the Montgomery County, Maryland, Department of Corrections

81 Minton, T. D. & Golinelli, D. (2014). *Jail inmates at midyear 2013 - statistical tables*. Washington, D.C.: BJS.; Montgomery County Department of Corrections and Rehabilitation (MCDRC). (2014). *Montgomery County, Maryland, master facilities confinement study*. Montgomery County, Maryland: MCDRC.; MCDRC. (2016). *Pre-Release and Re-entry Services*. Web. Retrieved from <http://www.montgomerycountymd.gov/cor/prrs/index.html>; and Cooper, A., Durose, M., Synder H. (2016). *Recidivism of prisoners released in 30 states in 2005: Patterns from 2005 to 2010*. Washington, D.C.: BJS.

and Rehabilitation, points to the strength of the PRC staff. “All of our line staff have bachelor’s degrees, and more than half the staff have master’s degrees.” What also makes the PRC program strong is the support of the courts and police. “We’re part of the functioning of Montgomery County,” says LoBuglio. “It’s expected that people will come here. On any given day, the county manages 30 percent of sentenced adults in community corrections. Without the prerelease facility, we would need a larger jail.”

“Since the 1970s,” notes LoBuglio, “the majority of jurisdictions quadrupled their incarceration rate. Here in Montgomery County, they chose a different path. Our incarceration rate is less than 100 per 100,000, compared nationally with 231 in jail per 100,000. It can’t be explained just by affluence or demographics; these are changing. I believe it’s largely due to the innovation we’ve seen here in our justice system, and both our pretrial and prerelease programs are a big part of it.”⁸²

Can the PRC model be replicated across the country? According to Wallenstein, because programs like PRC have some risk, many criminal justice systems throughout the country bypass programs like these. Wallenstein believes public officials need to be willing to accept some risk, recognizing that all the people in a prerelease center like the one in Montgomery County will be back in their community.

“It may be easier for a sheriff to get money for a jail” than a program like PRC, according to Wallenstein. However, prerelease programs have a chance to improve public safety and put lives back on track. “Give us a chance to intervene,” Wallenstein says. “If you do, the benefits will accrue to society.”

Support for Returning Citizens

In addition to the web of supervisory agencies in D.C., there exists a community of support for returning citizens comprised of government offices, nonprofit organizations and coalitions, whose purpose is to help returning citizens successfully reintegrate into society. This section will outline some of the limitations and successes of the returning citizens’ support community in the District. Many of these support organizations, such as local nonprofit organizations, are also highlighted throughout this report.

MAYOR’S OFFICE ON RETURNING CITIZEN AFFAIRS

Established by the D.C. Council in 2007, the recently renamed Mayor’s Office on Returning Citizen Affairs (MORCA) is tasked with “coordinating and monitoring service delivery to ex-offenders in the District of Columbia” and “making recommendations to the Mayor to promote the general welfare, empowerment, and reintegration of ex-offenders in the areas of employment and career development, health care, education, housing, and social services.”⁸³ The concept behind MORCA is unique—it is one of only six agencies of its kind in the nation⁸⁴—and it was recently lauded for “taking on prisoner re-entry as a basic municipal service.”⁸⁵

82 LoBuglio, S. (2015). *Personal interview with Stefan LoBuglio, Chief, Pre-release and Reentry Services Division, Montgomery County Department of Correction and Rehabilitation*. (T. Velázquez, interviewer). Unpublished interview notes on file with CCE.

83 Council of the District of Columbia. (2007). D.C. Act 16-243. Codification District of Columbia Official Code.

84 See Appendix C in Cognato, B., Greene, D., Raderstrong, J., & Sagers, J. (2015). *A data needs assessment for the Mayor’s Office on Returning Citizens’ Affairs (MORCA): Identifying, collecting, and connecting key data for D.C.’s returning citizens*. Washington, D.C.: The George Washington University.

85 Clark, A. (2015). Will D.C. be the first U.S. city to escape the prison trap? *Next City*.

However, MORCA has had difficulty achieving its mission due in part to a meager budget and limited staff.

A 2015 assessment of MORCA by the D.C. Office of the Inspector General concluded that MORCA “lacked fundamental organizational mechanisms and resources” to educate returning citizens about re-entry services or to collaborate with D.C. re-entry organizations.⁸⁶ The inspection had three major findings: (1) organizational deficiencies impede [M]ORCA’s compliance with D.C. Code; (2) [M]ORCA needs better coordination with D.C. organizations to improve service delivery; and (3) ineffective collaboration hinders [M]ORCA from developing new policy and initiatives.⁸⁷ Twelve recommendations for improvement were included in the report.

In a recent assessment of MORCA conducted by the University of Maryland, researchers concluded that an inadequate budget was the agency’s biggest challenge.⁸⁸ While MORCA’s total FY2015 budget was \$376,026,⁸⁹ its program budget allocated to be spent on returning citizens was only \$10,500.⁹⁰ As one staff member explained, “We have a big need to provide services through programs, and we served 5,000 people in 2014 with a \$10,500 program budget. That’s about \$2 a person...”⁹¹ The D.C. Council’s Committee on the Judiciary and Public Safety, which oversees the budget and performance of MORCA, wrote in its 2015 Budget Report that “the Committee was at first quite confused as to how [M]ORCA was operating *at all* [emphasis added] given its minimal [program] budget...”⁹² However, the committee “had serious hesitations about allocating more funding to [M]ORCA as the agency [was] currently organized and operated.”⁹³ Instead, the committee recommended that funds for services to returning citizens be increased for other agencies, such as the Office of Victim Services and Justice Grants,⁹⁴ essentially charging those agencies with MORCA’s statutory responsibilities.

MORCA has not had the staff expertise for the robust grant-writing needed to make the agency more financially solvent.⁹⁵ In 2015, MORCA employed four full-time staff and had one full-time program specialist on detail from the D.C. DOC.⁹⁶ The inspector general recommended that MORCA submit a budget enhancement request to fund a full-time contractor to write and obtain grants. Yet, from 2011 to 2015, the agency only submitted two grant applications and was only awarded one grant from the District’s Justice Grants Administration.⁹⁷ The

86 Office of the Inspector General (OIG). (2015). *Office on Returning Citizen Affairs: Report of inspection* (OIG No. 15-I-0069). Washington, D.C.: OIG.

87 *Ibid.*

88 Kearney, M. S. & Whitehead, T. L. (2015). *Ethnographic assessment of the D.C. Mayor’s Office on Returning Citizen Affairs* White Paper. Washington, D.C.: University of Maryland.

89 OIG. (2015). *Office on Returning Citizen Affairs: Report of inspection* (OIG No. 15-I-0069). Washington, D.C.: OIG.

90 Committee on the Judiciary and Public Safety (CJPS). (2014). *Report and recommendations of the Committee on the Judiciary and Public Safety on the Fiscal Year 2015 budget for agencies under its purview*. FY2015 Committee Budget Report. Washington, D.C.: Council of the District of Columbia.

91 Kearney, M. S. & Whitehead, T. L. (2015). *Ethnographic assessment of the D.C. Mayor’s Office on Returning Citizen Affairs* White Paper. Washington, D.C.: University of Maryland., p. 25.

92 CJPS. (2014). *Report and recommendations of the Committee on the Judiciary and Public Safety on the Fiscal Year 2015 budget for agencies under its purview*. FY2015 Committee budget report. Washington, D.C.: Council of the District of Columbia., p. 48.

93 *Ibid.*, p. 49.

94 *Ibid.*

95 OIG. (2015). *Office on Returning Citizen Affairs: Report of inspection* (OIG No. 15-I-0069). Washington, D.C.: OIG., p. 6. As is explained in the inspection, the role of MORCA, as mandated by statute, was so unclear that not even the D.C. Council was sure if the agency was intended to function as a service coordinating agency rather than a service provision agency. If MORCA’s role for the returning citizen community was clarified, MORCA might be more successful in applying for and securing funds.

96 *Ibid.*, p. 6.

97 *Ibid.*, p. 16.

inspector general noted that “[M]ORCA’s minimal success with securing grant funding and poor utilization of District grant-writing resources limit the services it can offer returning citizens.”⁹⁸ In 2016, in response to the inspector general’s suggestion that MORCA pursue more, MORCA applied for four grants; none, however, were awarded.⁹⁹

MORCA’s difficulty pursuing grants has been compounded by its poor use of case management and data software and its inefficient referral management system. MORCA has not had adequate staff to conduct client intake and manage client data, so agency interns have been responsible for this.¹⁰⁰ Despite an effort to create a joint data management system with D.C.’s Criminal Justice Coordinating Council (CJCC), MORCA has continued to rely on a paper-based case management system.¹⁰¹ As a result, the inspector general found that “[M]ORCA cannot generate recommendations and policy statements, produce reports, conduct data analysis on clients and services, or anticipate emerging trends in client services.”¹⁰²

Despite MORCA’s shortcomings, the agency has been successful in a series of its initiatives. For example, MORCA recently teamed with Events D.C. to provide a 16-week Customer Service Training program for formerly incarcerated women. The program has helped the women by providing “soft skills training, professional development and internship experience at the Washington Convention Center.”¹⁰³ And, as you will read later, the agency has helped thousands of D.C. returning citizens secure IDs.

A recent leadership change at MORCA by District Mayor Muriel Bowser positions the agency to focus on, and perhaps cure, some or all of the deficiencies outlined above. In September 2016, Brian Ferguson was appointed to serve as MORCA’s director, replacing Charles Thornton who served in that role since 2011. Ferguson brings direct experience to his position not only because of his work related to the District’s Ban the Box legislation aimed at people with criminal records but also because he himself is a returning citizen.¹⁰⁴ CCE has met with Director Ferguson and conveyed our concerns about MORCA’s past performance as well as our hopes for his successful tenure helping MORCA to fulfill its role as a re-entry hub.

OTHER SUPPORT EFFORTS

While MORCA officially serves as the District’s official re-entry support agency, there are a few other D.C. agencies that also provide assistance to improve outcomes for returning citizens. The Office of Victim Services and Justice Grants funds returning citizen initiatives at various D.C. nonprofit organizations and government agencies. In addition, the D.C. Department of Employment Services (DOES) has begun to collaborate with the D.C. DOC on re-entry-related programs. In 2015, the mayor launched prerelease re-entry initiatives with D.C. DOC and DOES to help train incarcerated men in finding work once they are released.¹⁰⁵

98 *Ibid.*

99 CCE correspondence with S. Harris, MORCA, November 2, 2016.

100 OIG. (2015). *Office on Returning Citizen Affairs: Report of inspection* (OIG No. 15-I-0069). Washington, D.C.: OIG., p. 19-20.

101 CCE correspondence with S. Harris, MORCA, November 2, 2016. For the past year and a half, MORCA has been using Salesforce—a data-tracking software—for other administrative functions, such as referral management.

102 OIG. (2015). *Office on Returning Citizen Affairs: Report of inspection* (OIG No. 15-I-0069). Washington, D.C.: OIG., p. 19-20.

103 CCE correspondence with S. Harris, MORCA, November 2, 2016.

104 Executive Office of the Mayor (EOM). (2016, September 9). *Mayor Muriel Bowser names Brian Ferguson as Director of the Mayor’s Office of Returning Citizen Affairs*. Press Release. Washington, D.C.: EOM.

105 Anderson, J. (2015). IG report: Returning citizens office lacks “fundamental” ability to help ex-offenders. *Washington City Paper*.

NONGOVERNMENTAL SUPPORT ORGANIZATIONS AND COALITIONS IN D.C.

Support efforts on behalf of returning citizens in the District of Columbia are also provided by several non-profit organizations and coalitions. Some of these organizations, such as Free Minds Book Club and Writing Workshop, provide programming directly in support of justice-involved people in the District of Columbia, including people who are incarcerated, are returning citizens or have a criminal record. Other organizations, such as Bread for the City and the D.C. Central Kitchen, were not created to support solely the needs of justice-involved people but have found that this population accounts for a large part of the communities served by their programs. There are several other nonprofit organizations that are working to improve the re-entry outcomes in D.C., and this report will highlight their work in succeeding chapters.

Finally, the National Re-entry Network for Returning Citizens, the D.C. Re-entry Task Force and a host of other task forces, working groups and coalitions also exist in D.C. These groups are generally comprised of returning citizens, lawyers, nonprofit organizations, representatives from government agencies and law enforcement, religious and community leaders, educators and ordinary citizens interested in providing second chances to returning citizens. These entities provide much-needed community support and advocacy for the re-entry community while providing a forum that brings the diverse, and often complex, network of stakeholders together in common purpose.

Recommendations

Based on the foregoing data, description and returning citizens' voices, CCE offers eight recommendations to improve outcomes for the members of our community who deserve second chances and beyond. Some of these recommendations are concrete and might be implemented in the near term. Others are far more aspirational and will require significant input and pressure from the wide variety of advocates this chapter has described.

1. "Re-entry begins on day one" is a common phrase among criminal justice professionals and facilities. The reality, however, is that many returning citizens are simply not prepared to re-enter the community. **The BOP, halfway houses and D.C. DOC should coordinate to ensure that re-entry planning is conducted at least three months prior to a person's release. Such planning must be holistic and individualized, and should consider employment, applications for disability benefits and Medicaid, education and housing, as well as information about parenting, money management, technology and useful information, such as how to use a Washington Metropolitan Area Transit Authority (WMATA) SmarTrip public transportation fare card.**
2. The USPC is not carrying out its duties in the manner in which D.C. law anticipated, causing many people to spend more years behind bars than expected or warranted. **The District should advocate to Congress for USPC regulations and procedures to be rewritten to better address the needs of D.C. Code offenders, or else for the amending of the Revitalization Act so that the USPC no longer has jurisdiction over D.C. Code offenders, in which case the District must also reconstitute the D.C. Board of Parole.**
3. Significant federal action is required to improve the reintegration of D.C.'s returning citizens. CCE and many advocates believe this will require greater coordination and closer communication with the BOP. **The BOP should create an ombudsman position focused specifically on D.C. correctional issues.**

4. The D.C. CIC inspected Hope Village in 2013 and found numerous deficiencies, confirming what returning citizens have said for years about the poor conditions and services there. **The BOP should not renew Hope Village's contracts when they expire in 2016 and 2017.**
5. Given the many problems outlined at Hope Village, the 2015 SOW introduced for RRC contractors by former Attorney General Eric Holder should be utilized to its full extent. **The BOP should use this SOW to hold a new halfway house provider accountable for offering high-quality services, including workforce engagement, connection to behavioral and physical health services, securing housing, family support and offense-specific issues, by tracking outcomes such as employment, engagement in treatment, and recidivism.**
6. Based on the experience of returning citizens at Hope Village and Fairview, as compared with model programs like Montgomery County's Pre-Release Center, **agencies and organizations should strive to provide case management that is client-centered.**
7. The Montgomery County Pre-Release Center's 40-year presence in the community is an asset to program participants seeking employment. This organization is part and parcel of Montgomery County and, as a result, is seeing better outcomes for returning citizens. **RRCs serving D.C.'s returning citizens should replicate the Montgomery County PRC model, by gathering community input on decisions that affect their surrounding neighborhoods, meaningfully engaging with the community, and treating community-based organizations as active partners.**
8. Finally, with new leadership now in place, MORCA has an opportunity to become a model agency for the rest of the country. Its new director already has a clear blueprint for change based on two thorough examinations. **MORCA should be fully funded in the next budget so that it can implement the recommendations included in the inspector general's report and the University of Maryland's assessment of the agency and better serve D.C.'s returning citizens by operating as a re-entry hub, coordinating referrals to service providers and helping to develop and implement policy ideas.**

Housing

Introduction

Housing is a basic human need. Yet finding appropriate housing can be the most significant problem that returning citizens experience.¹⁰⁶ It is estimated that one-fifth of returning citizens become homeless soon after their release.¹⁰⁷ According to a report by the Vera Institute of Justice, “at any given time in Los Angeles and San Francisco, 30 to 50 percent of all people under parole supervision are homeless.”¹⁰⁸

Housing presents both immediate and long-term challenges. Some returning citizens may transition to a residential re-entry center or halfway house before release, which can allow time for planning to find housing. Others are sent directly home from prison but do not have a place to stay on their first night out, not to mention for the months and years to come. Family members or friends may offer a place to stay in the short-term, but many returning citizens go from nights on couches to nights in shelters to sleeping on the street. Many are jobless and without savings and are likely to have other financial obligations such as restitution or child support.

Nationally and in the District of Columbia, there are several reasons why finding and maintaining housing is difficult for returning citizens, including a lack of affordable housing and the challenges of public and transitional housing. This chapter will describe these challenges as well as the changing landscape of housing public policy that may be starting to provide some relief to returning citizens. We will also review several organizations that are engaging in best practices to connect people to stable housing. Finally, we conclude by offering a number of recommendations concerning re-entry and housing.

National Context

According to a 2012 Urban Institute report, correctional departments rarely connect returning citizens to housing, with no particular agency responsible for providing housing for individuals leaving prison and jails.¹⁰⁹

106 Clayton, S. L. (2005). Hard time: Ex-offenders returning home after prison. *Corrections Today*, p. 60.

107 National Alliance to End Homelessness. (n.d.). Re-entry. Web. Retrieved from http://www.endhomelessness.org/pages/re_entry

108 Rodriguez, N., & Brown, B. (2003). *Preventing homelessness among people leaving prison*. New York City: Vera Institute of Justice.

109 Biess, J., & Fontaine, J. (2012, May 7). *Housing as a platform for formerly incarcerated persons*. Washington, D.C.: Urban Institute., p. 3.

In addition, for many returning citizens, and most people across the U.S., affordable housing is not available.¹¹⁰

Returning citizens also face challenges with public housing. The U.S. Department of Housing and Urban Development (HUD) requires *lifetime* bans from public housing for returning citizens convicted of certain offenses. Individuals involved with the manufacture or production of methamphetamine on federally assisted housing property, as well as sex offenders subject to a lifetime registration requirement, are prohibited from admission to public housing and the Section 8 Program that provides housing vouchers.¹¹¹ Outside of these cases, public housing authorities have broad discretion in determining their admissions and occupancy policies for people with arrest or conviction records.¹¹²

D.C. Re-entry Landscape

The situation for returning citizens in the District of Columbia mirrors the national context. But for people returning from correctional facilities that are hundreds, if not thousands, of miles away, the challenges are even greater. While approximately 80 percent of all people incarcerated at the BOP spend time at a halfway house facility¹¹³ prior to release from custody, many people incarcerated at the BOP, and almost all those held at the D.C. Jail, are released directly to the community.

Returning Citizen's Voice

Teresa expressed her continued frustration with the stigma of being labeled a returning citizen: “When I went to get my first apartment, the form asked, ‘Have you ever been convicted of a felony?’ and I thought, *Ever?* Not just have you been convicted of a felony in the past three to five years?’ I felt like my record was holding me hostage.”

The lack of affordable housing is a persistent problem. The District of Columbia is consistently ranked as one of the most expensive cities for housing in the U.S.¹¹⁴ Data from the 2014 American Community Survey, reflected in Figure 5 below, show that fewer than 1 in 3 rentals in D.C. cost less than \$1,000 per month, with fewer than 1 in 5 less than \$750 per month.¹¹⁵ Moreover, the number of affordable units is shrinking. In 2002, about 40 percent of the rental units were low cost, that is had rent and utility costs of less than \$800 per month. By 2013, low-cost housing represented just one-fifth of the rental housing stock.¹¹⁶

110 National Low Income Housing Coalition (NLIHC). (2013, February). *Housing spotlight: America's affordable housing shortage, and how to end it*. Washington, D.C.: NLIHC.

111 US Department of Housing and Urban Development (HUD). (2001). *Housing Choice Voucher Program guidebook*. Washington, D.C.: HUD.

112 Federal Interagency Re-entry Council. (n.d.). Re-entry MythBuster!: On public housing. Washington, D.C.: The Council of State Governments Justice Center.

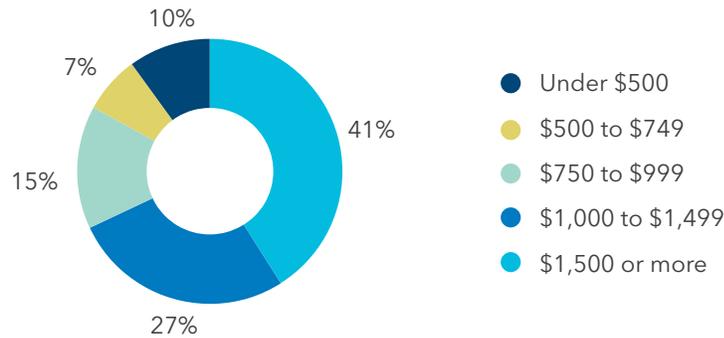
113 See Yates, S. (2016, November). *Reforming federal halfway houses*. Washington, D.C.: DOJ, Office of the Attorney General.

114 See, for example, Elkins, K. (2016). The 11 most expensive cities in America. *Business Insider*.

115 USCB. (n.d.). Fact Finder. Web. Retrieved from <http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>.

116 Rivers, W. (2015, March 12). *Going, going, gone: D.C.'s vanishing affordable housing*. Washington, D.C.: D.C. Fiscal Policy Institute.

Figure 5: Monthly rent of occupied units in D.C. (five-year average, 2010-14)¹¹⁷



Public housing in D.C. presents another set of challenges for returning citizens. The D.C. Housing Authority (DCHA) owns and manages 56 public housing properties with about 8,000 units located throughout city. Tenants pay 30 percent of their income as rent. The waiting list for public housing, however, may be as high as 32,000 people,¹¹⁸ and the waiting list is currently closed to new applicants.¹¹⁹ At the time of this report’s publication, it was not known when the list might be reopened. While the DCHA works with returning citizens to ensure a pre-existing spot a person had on the waiting list remains active, the chances of their securing subsidized housing remain slim to none, given there may be tens of thousands of people ahead of him or her.



Finding stable housing is an additional challenge, with approximately half of returning citizens in D.C. starting off in transitional housing.¹²⁰ According to CSOSA, “almost 20 percent of reentrants on parole or supervised release who began supervision in FY2014 did not have stable housing at the start of supervision. Of these, roughly 85 percent were in homeless shelters.”¹²¹

Figures 6 and 7, based on 2015 data from CSOSA, illustrate that housing instability does not affect all returning citizens equally. People who are unemployed or unemployable are more likely to be in unstable housing situations. Likewise, people with mental illness entering CSOSA supervision from prison are more likely to lack stable housing.

¹¹⁷ *Ibid.*

¹¹⁸ CJCC. (2013). *Directory of Housing Resources for Returning Citizens*. Washington, D.C.: CJCC., p. 32.

¹¹⁹ District of Columbia Housing Authority. (n.d.). Homepage. Web. Retrieved from <http://dchousing.org/>.

¹²⁰ Sipes, L. A., Jr. (2006). *Returning from prison to Washington, D.C.—“We make transition possible.”* Washington, D.C.: CSOSA., p. 2.

¹²¹ CSOSA. (2015). *Offender population profile: court services and offender supervision factsheet*. Washington, D.C.: CSOSA., p. 2.

Figure 6: Housing stability by employment status 90 days after entering CSOSA supervision¹²²

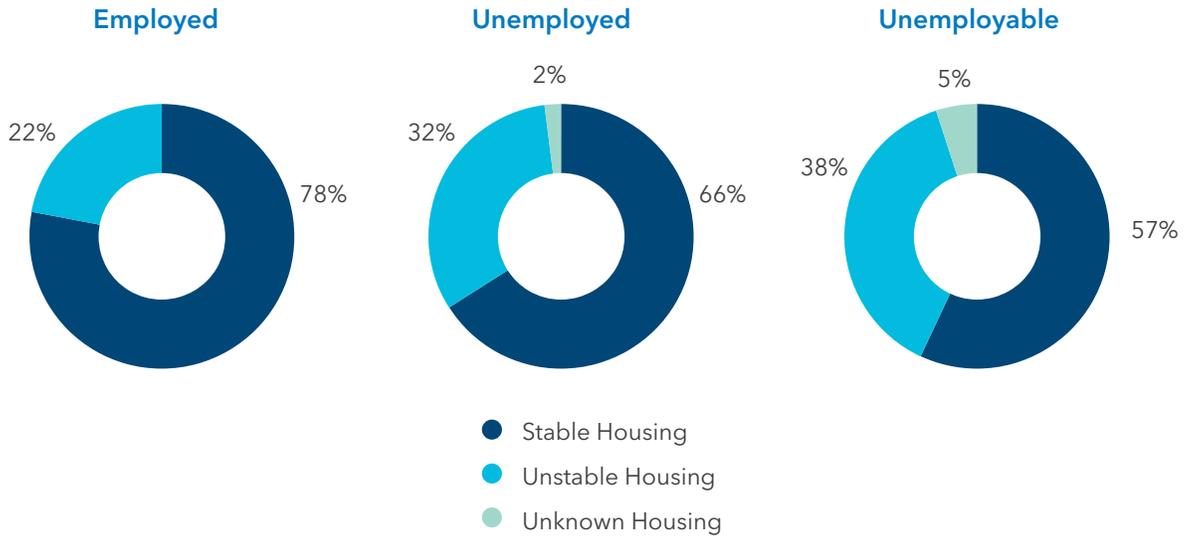
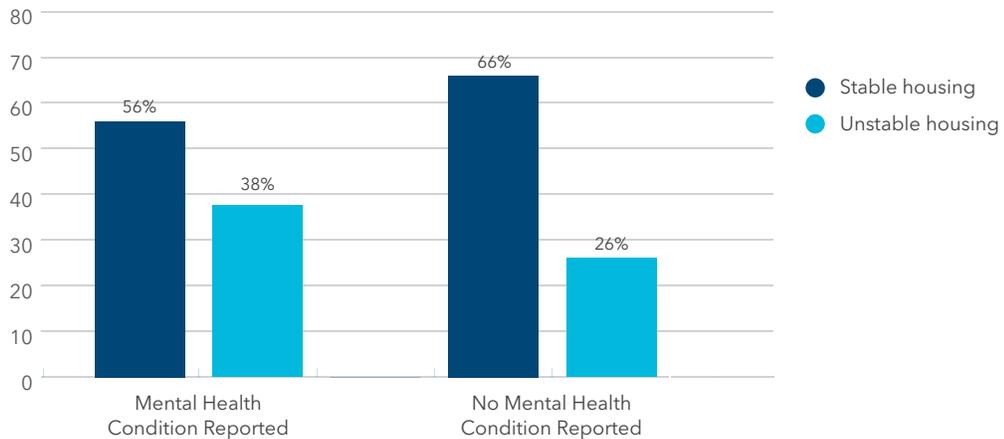


Figure 7: Housing stability by presence of mental health condition upon entering CSOSA supervision, 2015¹²³



According to Tammy Seltzer, director of the Jail and Prison Advocacy Project at University Legal Services (ULS), “releasing people to the street is not OK. People in D.C. have started calling the shelter at Second and D Streets [The Community for Creative Non-Violence (CCNV), D.C.’s largest homeless shelter] the District’s ‘third halfway house’ because there are so many returning citizens there. Some people can be successful going

122 CSOSA. (2015). *Housing stability by employment status 90 days after entering CSOSA supervision*. Unpublished raw data analyzed by authors and on file with CCE.
 123 CSOSA. (2015). *Housing stability by presence of mental health condition upon entering CSOSA supervision, 2015*. Unpublished raw data analyzed by authors and on file with CCE. The housing situation is unknown for 6 percent of people with a mental health condition and 8 percent of people with no mental health condition.

to a shelter, but it's in spite of rather than because of it. If more permanent housing can't be arranged, then short-term solutions need to be created.”

Beyond transitional housing, there are single-room occupancy housing and permanent supportive housing options in D.C. These resources serve the city at large, so there are often waiting lists. But even these, with modest rents, may be difficult for many returning citizens. Furthermore, these housing facilities often serve only specific populations, such as HIV-positive men or seniors, which, while essential for those populations, can restrict other returning citizens from accessing much needed beds.

In D.C., many of these houses limit the stay of their tenants to four to six months, which is rarely enough time for reintegration. On the one hand, many require that tenants have no serious medical problems and be tested for conditions like tuberculosis.¹²⁴ On the other hand, many transitional facilities require that a person meet specific criteria, such as having a mental health or substance use disorder or having (or not having) dependent children.¹²⁵

Some facilities may also require a photo ID for entry, which can be challenging for a citizen recently returned to the community.¹²⁶ Among the many service providers that CCE interviewed was a volunteer from the Transition Assistance Program (TAP), an outreach mission of Chevy Chase Presbyterian Church that since 1980 has provided services to people in need. “What would also be helpful is if transitional housing and shelters would provide their users with lockboxes to keep track of important documents. During this difficult transition, people lose documents all the time, and it's really frustrating for them.” Overnight and temporary shelters typically have fewer requirements but often have gender and age restrictions and are only open in the evenings. More to the point, an overnight or temporary shelter is not a long-term solution.

Another housing barrier is the complicated referral process required of returning citizens across the city. According to the Legal Advocacy Coordinator at Bread for the City, reducing or eliminating this process would greatly help returning citizens. Many agencies require referrals for services to establish residency and need. This requirement, however, takes time and money that might be better spent on returning citizens' needs. Bread for the City has had some success in eliminating the referral process for the Capital Area Food Bank. If a person wants to visit the Food Bank, he or she no longer needs a referral from Bread for the City but can simply go



MELVIN ANDRADE

My biggest struggle as a returning citizen has been dealing with parole and getting a job or keeping a job.

My biggest success as a returning citizen has been doing the right thing and staying out of trouble and meeting and staying with the good people.

124 CJCC. (2013). *Directory of housing resources for returning citizens*. Washington, D.C.: CJCC., p.28.

125 *Ibid.*, p. 11.

126 *Ibid.*

Returning Citizen's Voice

Another returning citizen, who preferred to speak anonymously, expressed further frustration with finding housing. “I came from a halfway house. Stability is an issue. I don’t have housing. Housing is a big problem in D.C. The city doesn’t have an open [public] housing list. Apartments do a background check, so I can’t get housing. It’s like a revolving door for failure. Many program providers come into the jail and say they can help us get housing, but when you get out, they can’t provide what we need.”

These sentiments were echoed by Tammy Seltzer, “We need to look at our treatment system and whether it’s following a ‘housing-first’ model. Right now, there are a lot of barriers, and many programs require a person to be clean and sober for so many weeks before accepting them. We know it’s easier to become clean and sober when you have housing.”

and bring proof of residency, such as a utility bill.¹²⁷

When asked about her housing experience, one returning citizen, Taylor, commented, “I expected housing to be the easiest part of my re-entry—and it definitely was not.” Taylor was placed in a transitional housing unit with a roommate who threatened her with a knife, and she has since been relocated. Taylor’s circumstances, and challenges, are unfortunately too common. Without predictable and safe housing, returning citizens face even more difficulty dealing with other barriers—particularly employment or substance use treatment.¹²⁸

Shifts in Housing Public Policy for Returning Citizens

Despite these challenges, we are now beginning to see some favorable trends in housing public policy that may signal an opening for returning citizens. According to guidance released by HUD in April 2016, housing providers with a blanket ban on applicants with a criminal history could be in violation of the Fair Housing Act due to the disparate impact such policies have on racial and ethnic minorities.¹²⁹

In the District of Columbia, the legislature has introduced a bill that would provide protection for rental applicants with criminal records in the private housing market. Known as the Fair Criminal Record Screening for Housing Act of 2016, the

legislation is modeled after Ban the Box legislation for employment applications—an issue this report covers in Chapter 4. If enacted, covered landlords would be prevented from asking about a rental applicant’s criminal history until after a conditional offer has been made and, even then, may only inquire about convictions. After disclosure of any convictions is made, landlords could only withdraw the rental offer “to achieve a substantial, legitimate, non-discriminatory interest” based on several factors, including the nature and severity of the offense, the age of the applicant at the time of the offense and the amount of time that has passed since the offense was committed. The bill provides for applicants to seek remedy to any violations of the law at the D.C. Office of Human Rights (OHR).¹³⁰

127 Bread for the City. (2015). *Interview with legal advocacy coordinator at Bread for the City*. (T. Velázquez, interviewer). Unpublished interview notes on file with CCE.

128 At times, housing for returning citizens is further complicated if their families, who may have once lived in the District at the time of a family member’s conviction, have moved elsewhere since their release. An individual’s conditions of release could stipulate that they must be supervised within the jurisdiction where they were convicted and sentenced. This presents a challenge for returning citizens who might otherwise want or need to live with family.

129 Kanovsky, H. R. (2016). *Office of General Counsel guidance on the application of Fair Housing Act standards to the use of criminal records by providers of housing and real estate-related transactions*. Washington, D.C.: HUD.

130 D.C. Council. B21-0706, “Fair Criminal Record Screening for Housing Act of 2016”. Washington D.C., 2016., p. 4.

Suitcase Living—Dedicated to the Homeless (Seen and Unseen)

Adapted with the author's permission from a Sept. 7, 2015, blog post by Taylar Nuevelle, a returning citizen living in Washington, D.C., who also writes under the pseudonym Amme Voz. Nuevelle returned home in 2014 after being incarcerated at both D.C.'s Correctional Treatment Facility and the Federal Bureau of Prisons. See <https://ammevoz.wordpress.com> for more stories and information.



On August 21, 2015 I officially stopped being homeless and moved into a one-bedroom apartment that is my home. In the year since *my* release from prison I have bounced between the halfway house, two re-entry houses, and a supported independent living program. They were physically and emotionally violent places, so I kept searching for a safe place to call my home.

On June 22, 2015 I became part of another statistic. Quite frankly, it's getting kind of irritating. I was forced out of my apartment by the mental health provider that was supposed to be serving me and I joined the tribe of the homeless. No, I was never in a shelter, or street homeless. I was a part of the homeless that are invisible and terrified of what hitting bottom really means. The homeless that have no fixed address, but someone else's home to sleep in—someone to be beholden to.

Those sleeping on the couches of friends, families or people who pre-tend to want to help us—we are homeless.

I started a journey that would lead to suitcase living that lasted exactly two months. Suitcase dwelling was difficult and riddled with anxiety when I stayed with a friend and her family. It was even lonelier and harder after moving to a motel room paid for by a government agency that assists those who survive domestic violence with temporary shelter.

The motel where I was housed was in a pretty shady neighborhood. To get to public transportation, I had to walk three quarters of a mile, which



Courtesy of Taylar Nuevelle.

is nothing. However, I had to walk over a bridge that abuts a wooded area and this is where the homeless live. Each morning as I headed to work or to appointments, the first thing I saw on my walk was a man's closet, bathroom and bedroom.

It was a reminder of where I might end up. It was a reminder for me to be grateful and to not give up.

Getting free from suitcase living has been difficult and terrifying. Every day as I hunted for an apartment and was rejected time after time, the clock was ticking. I was terrified that the man I saw each morning was foreshadowing as to my new home.

Yet, I am lucky. I am surrounded with love from people who owe me nothing. Other than my niece, I have received no support from family. I sit here amongst my things and I know how vulnerable I was/am and that so many came forward and fought for me with their privilege, words, power, honesty and steadfast support for and belief in me.

However, I continue to struggle with feeling safe and secure. I am slowly unpacking because I am terrified of feeling at ease. Tonight, I finally put all the dishes away. Yesterday, I set up my baking rack and most of the books are living their lives on their shelves. The clothes are struggling to slowly make their way out of the suitcases and bags. The shoes are still in baskets, and my leaning bookshelf laptop desk sits empty. I am afraid to set it up and write my stories on it. I'm waiting for the other shoe to fall.

I get up every morning thinking there is much to do for the many who have been silenced by poverty and homelessness and imprisonment. A roof over their heads is just a start.

Promising Practices

Re-entry programs that include housing have shown positive results and impact on the lives of returning citizens. Below are some examples of programs across the nation that have demonstrated success.

THE FORTUNE SOCIETY

Operating in three New York City locations, the Fortune Society has helped returning citizens with a “continuum of care” since it was founded in 1967.¹³¹ In September 2011, the organization, along with Jonathan Rose Companies, opened a residential community called Castle Gardens in Harlem. Not only did Castle Gardens provide affordable housing to people with a history of incarceration, but it also offered short-term housing options to help people become more stable until they were ready for greater housing permanency. The mayor of New York City supported the development and referred to Castle Gardens as a smart investment that could help New York economically and create new jobs. Aside from housing, Castle Gardens also offers residents on-site services, including help with substance use, counseling and case management.

Castle Gardens also welcomes older returning citizens who have aged during long periods of incarceration,¹³²

131 Fortune Society. (2011, January). Aging and the criminal justice system. *The Fortune News*, 44(1), 1-20.

132 *Ibid.*, p. 12-13.

with a supportive housing program that has had a positive impact. One of the program's participants, Warren Y., was 74-years-old when he was released and came to The Fortune Society in 2014 looking for help since the prison had failed to give him any discharge planning services. The organization took him in and provided housing. Warren said, "There is nowhere else that can do this. It doesn't smell or feel like a shelter; this is a first-class program."¹³³ <http://fortunesociety.org/>

RETURNING HOME—OHIO (RHO)

This program is another housing option that has been shown effective in helping returning citizens. The Ohio Department of Rehabilitation and Correction (ODRC), along with the Corporation for Supportive Housing, developed the initiative to reduce recidivism and prevent homelessness for people who are returning to Ohio from state prison.¹³⁴ This program also provides permanent housing with supportive services that help residents stay stable.

One factor that promotes program viability is a focus on coordination. Effective partnerships facilitate successful re-entry programs, and collaborations with ODRC that include the Ohio Department of Mental Health, the Ohio Department of Alcohol and Drug Addiction Services and supportive housing providers, result in effectiveness and sustainability. Program outcomes, as well, have been found to be exceptional, with less likelihood of clients being rearrested or re-incarcerated. <http://www.csh.org/csh-solutions/serving-vulnerable-populations/re-entry-populations/local-criminal-justice-work/returning-home-ohio/>

BURLINGTON HOUSING AUTHORITY

This authority in Vermont assists incarcerated individuals with housing placements at its Offender Re-Entry Housing Program through a contract between the Department of Corrections and the Burlington and Winooski Community Justice Centers. Landlords can partner with the program to coordinate lease agreements.¹³⁵ Part of their vision is to provide placement in a permanent housing program for returning citizens.¹³⁶ With this program, safety and security for communities and returning citizens has increased.¹³⁷ There are also housing situations available where returning citizens can focus on staying sober. Recognizing that transportation can be an issue, this program also seeks housing that has access to bus routes.¹³⁸ <http://burlingtonhousing.org/>



PHILLIP MOSBY
Returning Citizen

133 *Ibid.*, p. 13.

134 Corporation for Supportive Housing & ODRC. (2014). *RHO program manual*. Web. Retrieved from <http://www.csh.org/rho-program-manual-2014-final/>

135 Burlington Housing Authority (BHA). (n.d.). Offender Re-entry Housing Program. Web. Retrieved from http://burlingtonhousing.org/index.asp?SEC=6739A171-53A1-4137-92E8-60EC67AD46C8&Type=B_BASIC.

136 BHA. (2014). *Burlington Housing Authority Offender Re-Entry Housing Program policy and procedure manual*. Burlington, VT: BHA., p. 7-8.

137 *Ibid.*

138 *Ibid.*

THE TEXAS OFFENDERS RE-ENTRY INITIATIVE (TORI)

This initiative understands that returning citizens need a stable living environment, and they partner with various programs, shelters, property owners and housing authorities to accomplish this. TORI has been successful in reaching its goals by decreasing the rate of relapse from substance and alcohol abuse by 50 percent.¹³⁹ It has also employed 63 percent of the citizens enrolled in the program, which would have been difficult if it were not for the housing portion of the program that offered them a stable living environment.¹⁴⁰ <http://medc-tori.org/>

Recommendations

Like all residents, returning citizens need affordable, available, safe and long-term housing. Based on the challenges and opportunities we have covered in this chapter on housing, we offer the following seven recommendations:

1. Returning citizens face housing challenges, but so do their family members and friends. **Support should be provided to family and friends to house returning citizens, including protection from eviction and confidence that their own privacy rights will be protected.**
2. The lack of housing options provided to returning citizens before they are released from prison or jail sets them up for failure or at least for unavoidable challenges upon re-entry. **Securing housing should become one of the most important, if not the most important, priorities for returning citizens, with correctional facilities and housing providers, permitting and encouraging returning citizens to apply for and reserve housing up to 90 days prior to release.**
3. Having a place to live makes a significant difference in a person's ability to feel safe and to adjust to life after incarceration. The housing-first model that providers utilize for people who are homeless, also discussed in Chapter 6, should become the standard for returning citizens. **Public and private sector service providers should ensure that returning citizens—especially people with mental and physical health needs and who are homeless—have housing that enables them to feel safe and adjust to being released from prison or jail. This will require community needs assessments and building sufficient capacity to meet those needs.**
4. The lack of affordable housing in the District of Columbia remains one of the city's most intractable problems. This is particularly the case for returning citizens who are not likely to be employed or have savings when released, but may face financial obligations and discrimination because of their criminal record. **The D.C. government should continue to increase affordable housing options and add returning citizens to the list of demographic groups considered priority populations.**
5. Other barriers to housing concern the wide array of eligibility requirements. Some housing opportunities require a clean bill of health while others are geared towards only those returning citizens with specific diagnoses ranging from mental health issues to substance abuse. Such eligibility details are complicated and burdensome. **The D.C. government and nonprofit stakeholders should collaborate to clarify and streamline the patchwork of eligibility for housing-related services.**

139 TORI. (n.d.). About us. Web. Retrieved from <http://meD.C.-tori.org/>

140 Clayton, S. L. (2005, April). Hard time: Ex-offenders returning home after prison. *Corrections Today*, p. 69.

6. Housing is one of the greatest challenges facing people who return home from incarceration, and in D.C., housing options do not easily present themselves. **The D.C. government and nonprofit stakeholders should collaborate to create a tracking system to determine the availability of beds in various re-entry housing programs, allowing them to place returning citizens more efficiently and effectively.**
7. Housing policy must shift to reverse the decades of discriminatory treatment by landlords and others. The utilization of background checks to summarily exclude people with criminal records should be examined. Maintaining the safety and security of current tenants should not result in rejecting all returning citizens as future tenants. **The D.C. Council should enact the Fair Criminal Record Screening for Housing Act of 2016, introduced by Councilmember Kenyan McDuffie, to prevent unwarranted discrimination against people with criminal records in housing markets, and ensure the subsequent law is enforced by OHR.**

Employment

One of the primary findings in CCE’s 2011 report, *Unlocking Employment Opportunity for Previously Incarcerated Persons in the District of Columbia*, was that “a criminal record is an enormous impediment to employment [in the District of Columbia].”¹⁴¹ Five years later, this remains true. This chapter will describe the barriers to employment faced by returning citizens nationwide and in the District of Columbia, along with a series of examples of what success can and does entail with respect to training, securing work and keeping a job. The chapter will also include shifts in employment public policy that, once again, signal a positive direction, followed by promising practices by several local organizations doing important work and, finally, recommendations for change.

National Context

Employment is a key element of success for most people, not just those with a history of incarceration. Unemployment is closely related to poverty: More than a third (34 percent) of adults ages 18-64 who are not working live in poverty, compared with only 3 percent of those who work full time year-round.¹⁴² A 2011 Gallup poll showed that across advanced economies, people who are employed report they are thriving at a rate 21 percentage points higher than those who are unemployed.¹⁴³

Unemployment can also take a more personal toll. In a separate poll of Americans, Gallup found that while 5.6 percent of people with full-time jobs said they are depressed or are currently treated for depression, more than twice that percentage who were unemployed—12.4 percent—said they are depressed.¹⁴⁴ Furthermore, a 2004 study indicated that “women whose male partners experienced two or more periods of unemployment over a 5-year period were almost three times as likely to be victims of intimate violence as were women whose partners were in stable jobs.”¹⁴⁵

From a public safety standpoint, increased employment levels for people post incarceration leads to decreases

141 CCE. (2011). *Unlocking employment opportunity for previously incarcerated persons in the District of Columbia*. Washington, D.C.: CCE., p. 5.

142 Center for Poverty Research. (2014). *What are poverty rates among working adults?* Davis, California: UC Davis.

143 Clifton, J., & Marlar, J. (2011). *Worldwide, good jobs linked to higher wellbeing*. Gallup.

144 Adams, S. (2014, June). How unemployment and depression fit together. *Forbes*.

145 National Institute of Justice. (2004). *When violence hits home: How economics and neighborhood play a role*. Washington, D.C.: DOJ, p. 2.

in drug dealing, violent crime and property crime.¹⁴⁶ Yet finding and keeping a job is particularly challenging for people with a criminal record. National surveys of returning citizens find that as many as 60 percent to 75 percent remain jobless up to a year after release.¹⁴⁷ Reasons for this include lack of work experience, lack of education and employer hesitancy to hire.

LACK OF WORK EXPERIENCE

When hiring, employers often prefer or require job candidates to have previous work experience, making it difficult for returning citizens who cannot show a track record of relevant employment. One returning citizen, who preferred to remain anonymous, stated that “organizations need incentives from the government to hire us. We are willing to work but don’t have the experience.” Philadelphia, for instance, offers tax credits to businesses that employ qualifying returning citizens.¹⁴⁸

Returning Citizen's Voice

One returning citizen interviewed for this report, Charie, lamented, “All I want to do is work, but I can’t work because they won’t hire me... I guess I see why people reoffend.”

As Tammy Seltzer from University Legal Services explained, for people who cannot work due to disability, it can take months or years to become eligible for Social Security disability benefits (SSI and SSDI), which can incentivize recidivism. “Without income, returning citizens can’t secure even the basics of life. I’ve had three clients in last two months arrested for shoplifting. One guy stole a package of bologna, a loaf of bread and an iced tea.”

Many people who have been incarcerated have less work experience than their non-incarcerated counterparts. One study that followed individuals from their teenage years into early adulthood showed that women who had served six months or more in an adult institution had accumulated, during the 10 years of the study, less than half the work experience of those who had not served time. Previously incarcerated men had only 65 percent of the years of work experience than men who were never incarcerated.¹⁴⁹ Another study of a jail population determined that less than half (49.3 percent) were working full time at the time of their arrest and more than a third (35.8 percent) were unemployed.¹⁵⁰

LACK OF EDUCATION

Many people who have served time have low educational attainment. A 2002 national survey of people in jails showed that more than 32 percent did not have a high school or GED diploma, while less than 3 percent had a college degree.¹⁵¹ As Figure 8 shows, the U.S. unemployment rate for all people ages 25 and above without a high school diploma is 8 percent, nearly

146 Urban Institute. (2006). *Understanding the challenges of prisoner re-entry: Research findings from the Urban Institute's prisoner re-entry portfolio*. Washington, D.C.: Urban Institute.

147 Pager, D., & Western, B. (2009). *Investigating prisoner re-entry: The impact of conviction status on the employment prospects of young men*. Washington, D.C.: DOJ.

148 City of Philadelphia. (n.d.). Philadelphia Re-entry Program (PREP) Tax Credit. Web. Retrieved from <https://beta.phila.gov/services/payments-assistance-taxes/tax-credits/philadelphia-re-entry-program-prep-tax-credit/>.

149 Raphael, S. (2014). *The new scarlet letter? Negotiating the U.S. labor market with a criminal record*. Kalamazoo, MI: W.E. Upjohn Institute for Employment Research., p. 32-33.

150 Harlow, C. W. (1998). *Bureau of Justice statistics special report: Profile of jail inmates 1996*. Washington, D.C.: DOJ., p. 3.

151 James, D. J. (2004). *Selected characteristics of jail inmates, by conviction status, 2002 and 1996*. Table. Washington, D.C.: BJS.

three times higher than those with a bachelor's degree.¹⁵² Unemployment for African-Americans without a high school diploma is more than twice that percentage, at 17.2 percent.¹⁵³ Furthermore, median income for people without a high school diploma is only 43 percent of people with a college degree.

Figure 8: Earning and unemployment rates by educational attainment



Note: Data are for persons age 25 and over. Earnings are for full-time wage and salary workers.
Source: U.S. bureau of Labor Statistics, Current Population Survey.

In addition to formal education and industry-specific skills, many returning citizens do not have the proper training to succeed in an interview or on the job. When individuals are incarcerated, they often have little to no interpersonal skills development. These “soft” or “core” skills include the ability to get along with others in the workplace, come to work on time every day, and have a positive attitude and work ethic.¹⁵⁴

EMPLOYER HESITANCY TO HIRE

Perhaps the largest employment challenge facing returning citizens is that employers resist hiring employees with criminal records. A study conducted in New York City where people alternately posed as having or not having a criminal record showed that having a criminal record reduced the likelihood of a callback or job offer by nearly 50 percent (28 percent vs. 15 percent). The same study showed that the “criminal record penalty” suffered by white applicants (30 percent) was roughly half the size for black applicants with a record (60 percent).¹⁵⁵ A similar 2004 study in Milwaukee demonstrated the complex interrelationship between race and incarceration. Black applicants with a criminal record were called back only 5 percent of the time, while white applicants *with* a criminal record were more likely to be called back for a job than black applicants *without* one (17 percent compared with 14 percent).¹⁵⁶

A survey of Los Angeles employers in 2001 showed that two-thirds of employers said they would hire workers

152 Bureau of Labor Statistics (BLS). (2016). *Employment projections*. Chart. Washington, D.C.: BLS.

153 BLS. (2016, February 10). *Labor force statistics from the current population survey*. Washington, D.C.: BLS.

154 Washington State Correctional Industries. (n.d.). Developing soft skills. Web. Retrieved from <https://www.washingtonci.com/offender-re-entry/developing-soft-skills.html>.

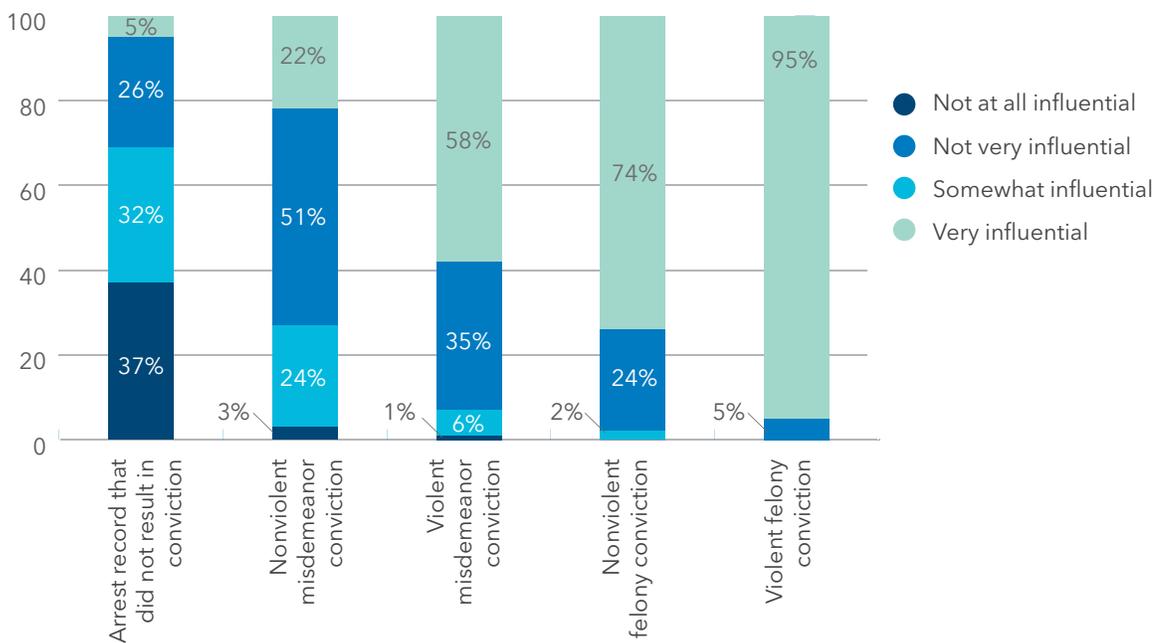
155 Pager, D., & Western, B. (2009). *Investigating prisoner re-entry: The impact of conviction status on the employment prospects of young men*. Washington D.C.: DOJ., p. 4.

156 Pager, D. (2003). The mark of a criminal record. *American Journal of Sociology*, 108(5), 937-75.

with a spotty employment history and 4 in 5 would consider an application from someone unemployed for a year or more, but only 1 in 5 said they would accept an application from someone with a criminal record.¹⁵⁷

Increased use of criminal background checks means that it is almost impossible to avoid the issue of past convictions and arrests. A 2010 survey by the Society for Human Resource Management found that more than 92 percent of U.S. employers performed criminal background checks either on all prospective employees or for some positions.¹⁵⁸ Of those who did conduct checks, 73 percent said that even a nonviolent misdemeanor conviction would be “somewhat” or “very influential” in their decision not to extend a job offer.

Figure 9: When conducting criminal background checks on job candidates, how influential is (or would be) the discovery of each of the following in your decision to NOT extend a job offer?¹⁵⁹



Preventing employers from asking about criminal history during the application process is one way to combat this hesitancy, although a recent study found that laws “banning the box” on applications may inadvertently cause an increase in racial discrimination.¹⁶⁰ Researchers found that when employers were not able to ask whether an applicant had committed a crime, they were more likely to discriminate against black applicants, with the race gap for callbacks between similar white and minority applicants increasing from 7 percent to 45 percent.¹⁶¹

157 Holzer, H., Raphael, S., & Stoll, M. (2003). How willing are employers to hire ex-offenders? *Focus*, 23(2), 40-43.

158 *Ibid.*

159 *Ibid.*

160 Agan, A. & Starr, S. (2016). Ban the box, criminal records, and statistical discrimination: A field experiment. *U of Michigan Law & Econ Research Paper No. 16-012.*

161 *Ibid.*

D.C. Re-Entry Landscape

For D.C. returning citizens, unemployment is likely to be as high or even higher than across the U.S.¹⁶² Among returning citizens beginning CSOSA supervision during 2015, 34 percent of returning citizens (i.e., parole and supervised release) reported circumstances making them unemployable (e.g., student status, retirement, disability) after the first 90 days of supervision. Of those considered to be employable, 71 percent reported they were unemployed.¹⁶³

While people under CSOSA supervision do not represent the entire returning population, the data shed light on the challenges returning citizens are likely to face: 31.5 percent of people on community supervision have less than a high school or GED certificate.¹⁶⁴ Educational attainment self-reported to the D.C. DOC is comparable: 36.2 percent of men incarcerated by the D.C. DOC said they have less than a high school education, 54.6 percent reported earning a high school or GED certificate, and only 3.1 percent reported having a college-level education. Similarly, 35.5 percent of women incarcerated by the D.C. DOC said they have less than a high school education, 47.9 percent reported having a high school or GED certificate, and only 4.1 percent reported having a college-level education.

Given these low levels of educational attainment, D.C.'s job market poses special challenges for the city's returning citizens. In 2012, approximately half (49 percent) of all job openings in D.C. required a college degree.¹⁶⁵ This is significantly higher than other metro areas, where the share of job openings requiring a college degree or higher was 39 percent. It is projected that by 2020, 76 percent of all jobs in D.C. will require postsecondary education, a higher rate than any state in the nation.¹⁶⁶ That leaves only 24 percent of D.C.'s jobs that are projected to require a high school diploma or less.¹⁶⁷



ANTWOINE GLOVER

My biggest struggle as a returning citizen has been getting a job.

My biggest success has been getting my birth certificate and social security card.

ACCESS TO IDENTITY DOCUMENTS

Beyond the low level of educational attainment among many of D.C.'s returning citizens, there are a number

162 CSOSA. (2014). *Community supervision program: annual performance budget request, fiscal year 2015*. Washington, D.C.: CSOSA.

163 CSOSA. (2015). *Employment at 90 days and educational attainment of 2015 CSOSA entrants*. Unpublished raw data analyzed by authors and on file with CCE.

164 CSOSA. (2016). *Community Supervision Program: Congressional budget justification and performance plan/report, fiscal year 2017*. Washington, D.C.: CSOSA.

165 Rothwell, J. (2012). *Education, job openings, and unemployment in metropolitan America*. Washington, D.C.: The Brookings Institution.

166 Carnevale, A. P., Smith, N., & Strohl, J. (2013). *Recovery: Projections of jobs and education requirements through 2020*. Washington, D.C.: Georgetown Public Policy Institute at Georgetown University.

167 *Ibid.*

of other challenges to securing employment. One such challenge is access to valid identification—including birth certificates, social security cards and driver’s licenses—that are often lost during periods of incarceration. Without this documentation, it is difficult for returning citizens to prove their identity to potential employers. CSOSA provides a letter acknowledging a returning citizen’s D.C. residency, but it does not help returning citizens prove their identity or U.S. citizenship, which are requirements to obtaining a REAL ID (driver’s license or non-driver’s identification).¹⁶⁸ The process to obtain the correct documentation can be frustrating and expensive. The D.C. Council recently passed the Improving Access to Identity Documents Amendment Act of 2016, which, if funded, would waive the fees for copies of birth certificates, driver’s licenses and non-driver’s identification for people living at less than 200 percent of the federal poverty line.¹⁶⁹ Promisingly, DOJ announced on November 30, 2016, that BOP will begin covering the cost of state-issued identification cards and birth certificates, and assist people incarcerated at the BOP in obtaining these documents prior to moving to a halfway house.¹⁷⁰

Currently, the D.C. Department of Motor Vehicles (DMV) will waive the cost of a REAL ID if within six months of release, a returning citizen presents the agency with a letter from CSOSA confirming D.C. residency. MORCA has also developed a partnership with the DMV that has provided 2,250 returning citizens with nondriver’s identifications since August 2015.¹⁷¹ But if it takes more than six months for the returning citizen to obtain the appropriate supporting documentation, if the person is not under CSOSA supervision or if the person is trying to obtain a birth certificate or social security card, the options for assistance are limited. Only one service provider assists D.C.’s returning citizens with covering the cost of various types of identification: TAP. Introduced in the previous chapter, TAP helps low-income and returning citizens acquire identification, including social security cards and birth certificates.

According to a TAP volunteer, about one third of TAP clients live in halfway houses, and many more are returning directly to the community from jail or prison. The volunteer told CCE that the program tries to treat everyone with the utmost respect and asks about them as a person, not just as a client. “We try to create an encouraging environment... It seems that these people are constantly told that they are going to fail or mess up.”

CRIMINAL RECORDS AND THE INTERNET

Another challenge to employment that returning citizens face is the surfacing of one’s criminal record during the application process. The District of Columbia allows for limited sealing of criminal records,¹⁷² which can be beneficial for people with low-level offenses committed in the past. For example, in 2015, after D.C.’s marijuana laws changed, the D.C. Council passed a law allowing for the sealing of arrests, charges and convictions of criminal offenses that have since been decriminalized or legalized.¹⁷³ However, because of the web of agencies involved in sealing a record, an employer may still find out about a sealed or expunged conviction because one or more local or federal agencies has not updated its system. In addition, companies that harvest justice system records may not purge information they had previously gathered; consequently, an individual looking for a job or promotion may appear to be lying or misleading about a past offense, jeopardizing his or her chances for the

168 Bread for the City. (2016). *ID packet and next steps worksheet*. Washington, D.C.: Bread for the City.

169 Improving Access to Identity Documents Amendment Act of 2016, B21-0736, 21st Council. (2016).

170 DOJ. (2016, November). *Justice Department announces reforms at Bureau of Prisons to reduce recidivism and promote inmate rehabilitation*. Press Release. Washington, D.C.: DOJ.

171 Personal communication with S. Harris, MORCA, November 8, 2016.

172 See D.C. Code §16-802 and §16-803.

173 D.C. Code §16-803.02 (2015).

position or advancement. Furthermore, employers can often find information about arrests and convictions from the internet without ever conducting an official background check. This may lead employers to make decisions based on incomplete or unreliable information, such as arrests on charges that were later dismissed, or even inaccurate reporting.

What Success Might Entail

While the challenges to finding and keeping a job are many, several factors are also key to helping returning citizens successfully secure and maintain employment. This section will outline several examples of programs and practices that may contribute to success.

PRE-RELEASE EFFORTS TOWARD EMPLOYABILITY

People who participate in a work-release job while incarcerated have a better chance of finding a job upon release.¹⁷⁴ One returning citizen we interviewed noted that enrollment in a work-release program might help change an incarcerated person's mindset, since he or she would have the chance to go home to a job and would not have to explain gaps on a resume or application.

In addition, incarcerated people who receive employment counseling prior to release often have more positive outcomes than those who do not.¹⁷⁵ Many correctional agencies have sought ways to provide opportunities for job experience and training. These may include cafeteria, custodial or other prison-related tasks or common prison industry work. However, returning citizens we spoke to indicated there is often too great a focus on low-wage jobs and not enough focus on those skills and experiences that employers desire most.

As one returning citizen stated, “We need the chance to earn certificates. We have nothing to show for our work while we’re [incarcerated].” For people who have a degree, there is even more limited programming available. As one interviewee, Teresa, described, “There was beading, card-making—elementary skills—and not stuff to actually help you get a job.”

Overcoming technological barriers would also make a difference. Many people do not have the skills, before and after incarceration, to keep pace with changing technology in the work world, leading to intimidation, disenchantment and discouragement. In addition, job readiness training that includes concrete tools like up-to-date resumes and mock interviews would help returning citizens be more ready and feel more confident.

Prison education and employment training are important keys to success. People who participate in such training have lower re-arrest rates upon release. Yet these programs lack sufficient funding and are simply not engaging enough of the prison population.¹⁷⁶ A recent report commissioned by the BOP identified an access gap of approximately 10,000 programming slots for occupational training in federal prisons.¹⁷⁷ People also

174 Urban Institute. (2006). *Understanding the challenges of prisoner re-entry: Research findings from the Urban Institute's Prisoner Re-entry Portfolio*. Washington, D.C.: Urban Institute.

175 *Ibid.*, p. 4.

176 Western, B. (2008). *From prison to work: A proposal for a national prisoner re-entry program*. Washington, D.C.: The Brookings Institution., p. 13.

177 The Boston Consulting Group. (2016, September). *Reducing recidivism through programming in the federal prison population: Final report: BOP programs assessment*. Web. Retrieved from <https://www.justice.gov/dag/page/file/914031/download>.

identify difficulties completing employment and education programs in prison because they may be transferred to another facility where they may be placed at the bottom of a waitlist for program participation.¹⁷⁸

There is tremendous variation in available job training because D.C. Code offenders are housed in BOP facilities across the country—despite hosting 11,000 programs, only 18 programs are standardized at every BOP facility nationwide.¹⁷⁹ Returning citizens have reported that in some facilities, there are quality and innovative training programs, but this is not always the case; and even where good programs exist, there are limited spots available.

While MORCA and CSOSA engage in outreach to the prisons closest to D.C., the reality remains that there is little linkage between available prison training programs and employment in the District. Given that the period of time immediately after release is the most vulnerable time for the returning population,¹⁸⁰ providing BOP training that is more relevant and available to D.C. returning citizens could make yet another difference in success versus failure.

For people serving short sentences at D.C. DOC facilities, there are several avenues for people to receive employment readiness services. DOES has implemented the D.C. Jail Work Readiness Program, which provides men with six weeks of prerelease workforce training and development.¹⁸¹ They are provided separate housing units to support their 30-hour-per-week job readiness and life skills courses, with case managers who supervise the transition to additional training or a direct job placement upon release.¹⁸² This program is further discussed in Chapter 10.

EFFORTS TOWARD EMPLOYABILITY WHILE ON COMMUNITY SUPERVISION

CSOSA is also taking a number of steps to improve employment opportunities for people on probation, parole or supervised release. Such opportunities include providing assistance in education, training, and employment; maintaining a mentoring program; building relationships with employers to create pipelines to jobs; and partnering with DOES and its Project Empowerment, which provides people with both workforce training and a period of paid employment with area businesses.

CSOSA measures rate of employment at 90 days. The agency has made some progress in reducing the number of people who are unemployed and increasing the percentages of those who are employed during the past five years, as is shown in Figure 10.

178 Greco, V. (2015). *Personal interview with V. Greco while incarcerated in a Maryland state prison.* (T. Velázquez, interviewer). Unpublished interview notes on file with CCE.

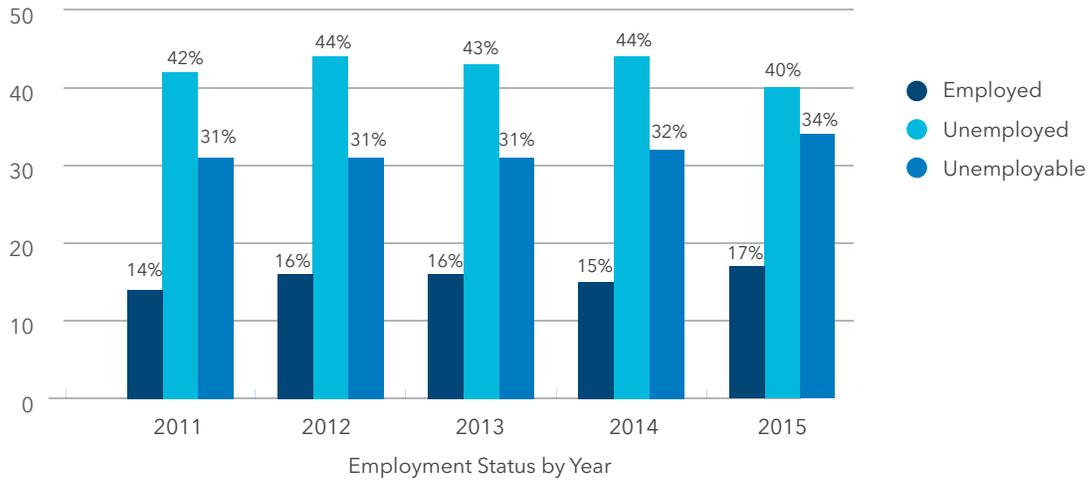
179 The Boston Consulting Group. (2016, September). *Reducing recidivism through programming in the federal prison population: Final report: BOP programs assessment.* Web. Retrieved from <https://www.justice.gov/dag/page/file/914031/download>.

180 Western, B. (2008). *From prison to work: A proposal for a national prisoner re-entry program.* Washington, D.C.: The Brookings Institution., p. 16.

181 CCE correspondence with R. Chakraborty, D.C. DOC, November 2, 2016. “[The program] serves relatively few inmates because of the way it is designed and the lack of sentenced misdemeanants in the population.”

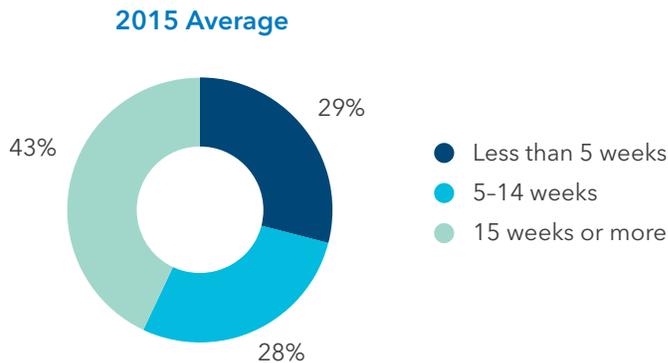
182 EOM. (2015). *Mayor Bowser announces new programs to support the District’s returning citizens.* Press Release. Washington, D.C.: EOM.

Figure 10: Employment of people on CSOSA parole or supervised release at 90 days¹⁸³



Interestingly, the 2015 unemployment figure for returning citizens at 90 days (40 percent) is very similar to that for the U.S. population in 2015 who lost their jobs and were still looking for work at 15 weeks, or 105 days (43 percent); see Figure 11. In 2014 the Bureau of Labor Statistics indicated that 35 percent of people are not in the labor force,¹⁸⁴ similar to the percentage of “unemployable” people under CSOSA supervision.

Figure 11: Unemployed persons in U.S. by duration of unemployment, 2015 annual average¹⁸⁵



There are several policy implications of this data. First, supervising agencies should consider that finding a job is challenging for anyone without a job, so expectations must be set accordingly. Also, the time frame for

183 CSOSA. (2015). *Employment of people on CSOSA parole or supervised release at 90 days*. Unpublished raw data analyzed by authors and on file with CCE.

184 Hipple, S. F. (2015). People who are not in the labor force: Why aren't they working? *Beyond the Numbers: Employment & Unemployment*, 4(15), 4.

185 BLS. (2016). *Household data annual averages: 30. Unemployed total and full-time working by duration of employment*. Washington, D.C.: BLS.

measuring employment status should be such that differences between the general unemployed population and returning citizens can be better evaluated. For example, more research is needed to determine whether returning citizens either fall behind or pull ahead of the general unemployed population after six months or a year back in their communities.

Unfortunately, training programs and other employment assistance are virtually nonexistent at the BOP's residential re-entry centers in D.C.—Hope Village for men and Fairview for women. Run by private, for-profit companies, these entities are not providing resources to help people secure employment and are located in an area with few employment opportunities. Since research has shown that returning to a more disadvantaged neighborhood leads to less employment and lower wages,¹⁸⁶ improvements in the way halfway houses are run in D.C. could bring about a welcome change for returning citizens.



CALVIN WOODLAND

My biggest struggle as a returning citizen has been helping other offenders to be successful with navigating the new D.C. systems. How to help newcomers gain employment and to find ways to stay out of the institution.

My biggest success is not having returned to jail now for 24 years. I've started the Calvin Woodland Sr. Foundation and became very influential in the returning citizen community as the chief of staff for a sitting councilmember. I'm currently outreach coordinator for the Department of Behavioral Health that speaks to some of the traumatic experiences that young people face and the stigmas that prevent them from seeking help.

Shifts in Employment Policy for Returning Citizens

Similar to housing public policy, with the passage of D.C.'s Ban the Box legislation in 2014, the employment landscape for returning citizens in the nation's capital has begun to shift. Officially known as the Fair Criminal Record Screening Amendment Act (FCRSA), this law prohibits businesses from asking about an applicant's criminal record on an employment application. In addition, employers cannot ask about a criminal record until an offer of employment has been extended. The offer may only be withdrawn based on an applicant's criminal record, if the employer can establish the record is relevant to the position.

Since the law's enactment on Dec. 17, 2014, more than 417 complaints have been filed, most of which have been resolved through mediation. According to the OHR, which is responsible for the law's enforcement, "several very well-known national corporations have changed their applications and hiring process due to FCRSA

¹⁸⁶ NIJ. (2013). *Research on re-entry and employment*. Washington, D.C.: DOJ.

charges that were filed against them with the D.C. Office of Human Rights.”¹⁸⁷ In June 2016, the Office of the District of Columbia Auditor released a report, *The Impact of “Ban the Box” in the District of Columbia*, that examined the implementation and effect of this law.¹⁸⁸ The report concluded that in many cases, the complaints were due to a lack of awareness among employers rather than a determination to circumvent the law.

Although some positive strides have been made, some question its effectiveness. One returning citizen, Keith, whom CCE interviewed, said that Ban the Box “is great for people like me... but at the same time, there’s no way I can hide that I’ve been in prison for 20 years, just no way. Because I’m a returning citizen, I can only get a part-time job at Safeway, even though in prison I learned how to do legal work.” In 2003, the CJCC recommended that the District consider expanding tax credits for businesses that hire ex-offenders,¹⁸⁹ however, little progress seems to have been made on this recommendation. Legislation, such as Ban the Box, and expanding tax credits should be further researched to determine whether they can be effective in reducing employer hesitancy to hire.

Another returning citizen, Taylor, has also struggled to find employment. Although she eventually found a job, she expressed her continued frustration. “In D.C., you can ‘Ban the Box,’ but you can’t ban Google. Most people look me up and toss out my resume.”

There is no federal law prohibiting employers from requesting an applicant’s job history, but several states have laws restricting employers’ use of arrest and criminal history records in making employment decisions. In Pennsylvania, for example, “felony and misdemeanor convictions may be considered by the employer only to the extent to which they relate to the applicant’s suitability for employment in the position for which he has applied.”¹⁹⁰ In practice, the owner of a pharmacy might be able to reject an applicant with a felony narcotics conviction, while a retail clothing store might not be able to reject that same person’s application.¹⁹¹

In many jurisdictions, people with certain criminal convictions are prohibited from obtaining licenses, permits or certifications. In D.C., these prohibitions include pawn broker, general contractor or barber/cosmetology licenses, among many others.¹⁹² This presents a challenge for returning citizens whose entire professional experience might be in a field that requires a license that they are now barred from having. Furthermore, a person’s participation in occupational training programs offered at BOP facilities,¹⁹³ such as a cosmetology program, might be of no benefit to them upon release if they are unable to obtain the licensure required to work in that field.

Denying someone’s employment based on his or her criminal record might violate Title VII of the Civil Rights Act of 1964, which prohibits employers from treating applicants or employees differently based on their race,

187 CCE e-mail correspondence with Brian Ferguson, Human Rights Officer, D.C. OHR, October 1, 2015.

188 Office of the District of Columbia Auditor (ODCA). (2016). *The impact of “Ban the Box” in the District of Columbia*, Washington, D.C.: ODCA., p. 2.

189 CJCC. (2003). *Comprehensive re-entry strategy for adults in the District of Columbia*. Washington, D.C.: CJCC., p. 7.

190 Community Legal Services of Philadelphia (CLSP). (n.d.). Your employment rights to not be rejected based upon your criminal record. Philadelphia, PA: CLSP, p. 2.

191 *Ibid.*

192 *Ibid.*, and see generally, American Bar Association (ABA). (n.d.). National inventory of collateral consequences: The District of Columbia. Online data set. Retrieved from <http://www.abacollateralconsequences.org/search/?jurisdiction=13>.

193 For a full list of occupational training programs available at BOP facilities see generally https://www.bop.gov/inmates/custody_and_care/docs/inmate_occupational_training_directory.pdf.



KENNETH C. EASTON-EL

My biggest struggle as a returning citizen has been finances.

My biggest success has been obtaining government employment.

national origin, color, sex, religion and any other Title VII-protected characteristic. The Equal Employment Opportunity Commission's enforcement guidance has explained that there may be a Title VII disparate treatment liability where covered employers have rejected an African-American applicant based on his criminal record but hired a similarly situated white applicant with a comparable criminal record. Title VII prohibits "not only decisions driven by racial animosity, but also decisions infected by stereotyped thinking." Therefore, an employer's decision to reject a job applicant based on racial or ethnic stereotypes about criminality rather than qualifications and suitability for that position is unlawful disparate treatment that violates Title VII.¹⁹⁴

In 2014, a class action lawsuit was filed against the Washington Metropolitan Area Transit Authority (WMATA) alleging that the company's criminal background screening process violated black applicants' Title VII rights. In 2009 and 2011, WMATA significantly expanded and made stricter its policies regarding applicants with a criminal history. In 2011, the policy was expanded to allow for the termination of certain current employees for previous criminal offenses, even if they had disclosed their backgrounds in their original screenings.¹⁹⁵ As of the printing of this report, the case is still pending.

There has also been a growing interest in entrepreneurship for returning citizens as a way around employment barriers and toward financial stability. The D.C. Department of Small and Local Business Development (DSLBD), in conjunction with DOES, MORCA, CSOSA and Capital Area Asset Builders, began operating the Aspire to Entrepreneurship Pilot Project this year, a training designed to help 25 returning citizens turn their idea for a business into an operational business plan. Participants engage in a training curriculum, develop a relationship with a mentor, and peer review one another's plans. They are paid a stipend while in the program, and Capital Area Asset Builders is providing an eight to one match on every dollar of funds participants save for their business or educational expenses during the program period.¹⁹⁶ In July 2016, the D.C. Council passed the Incarceration to Incorporation Entrepreneurship Program Act of 2015,¹⁹⁷ which, if funded, would require DOES and DSLBD to establish a business development program similar to the Aspire pilot.

194 See U.S. Equal Employment Opportunity Commission (EEOC). (n.d.). *Consideration of arrest and conviction records in employment decisions under Title VII of the Civil Rights Act of 1964: IV. Disparate treatment discrimination and criminal records*. Web. Retrieved from https://www.eeoc.gov/laws/guidance/arrest_conviction.cfm.

195 See *Little v. Wash. Metropolitan Transit Authority*, No. 1:14-cv-01289 (D. DC. filed July 30, 2014); and *Background Screenings*, WMATA Finance and Administration Committee. Web. Retrieved from https://www.wmata.com/about_metro/board_of_directors/board_docs/101013_FABBackgroundScreening10102013.pdf

196 Deputy Mayor for Greater Economic Opportunity (DMGEO). (n.d.). *Aspire to Entrepreneurship Pilot Program*. Washington, D.C.: DMGEO.

197 See generally District of Columbia Incarceration to Incorporation Entrepreneurship Program Act of 2015, B21-0463, 21st Council, 2016.

Promising Practices in D.C.

In addition to shifts in public policy, several D.C.-based nonprofit organizations are engaging in best practices to help returning citizens succeed in the area of employment. We have selected three such programs and include several others from around the country at the end of this chapter.¹⁹⁸

D.C. CENTRAL KITCHEN'S CULINARY JOB TRAINING PROGRAM—A RECIPE FOR RE-ENTRY EMPLOYMENT



Courtesy of D.C. Central Kitchen.

For more than 25 years, D.C. Central Kitchen's (DCK) Culinary Job Training program has been proving that there are paths out of chronic unemployment. About three-quarters of the participants in the training program have a criminal record. Of those who complete the 14-week program, only 6 percent end up back in the justice system. The Kitchen spends \$10,000 for each person who completes the job training program, but the return on investment for both the individuals and society is significant.

Marianne Ali, director of the training program, said that DCK quickly discovered that only teaching people how to cook was not enough; the program also had to focus on what would support and motivate people, and began to incorporate a number of noncooking components, such as weekly transition group meetings for returning citizens. A clinical social worker is also available to help participants address personal issues, such as the effects of trauma. Previous program graduates in the restaurants where participants intern, the chefs they work with and the staff people who train them constantly reinforce that trainees are deserving and capable of success.

Participants are actively recruited from a variety of places, including CSOSA, halfway houses, Prince George's and Arlington county jails and other social service agencies. In addition, DCK holds regular information sessions throughout the year and hosts an Agencies Relations Brunch to encourage service providers to refer people to the Kitchen. As a result of this rigorous outreach, the trainee classes are diverse, with students ranging in age from 21 to 66.

¹⁹⁸ Additional information about these organizations can be found on their websites listed at the end of their program descriptions.

Returning Citizens' Voices

One participant in CCE's returning citizens focus group summed up his job search experience: "Trying to find employment is like climbing up a mountain." Others in the focus group described frustration with the stigma attached to black males, particularly those from Ward 8. "[Employers] look at your mailing address," another participant added, "I felt it kept me from getting hired." Moreover, the new culture of applying to jobs online was viewed as particularly problematic for people with criminal records, because it is impersonal and does not allow returning citizens to present themselves as quality applicants and explain their story to employers.

Returning citizen Teresa applied for a call center job, where she would be using her own phone and computer in her own home. When asked if she had ever been convicted of a crime and she checked "yes," the online application logged her out, and she was prevented from proceeding. Frustrated, she asked, "Who could I have hurt or stole from in my own home on my own computer?"

While the program is open to anyone, applicants need to have a level of readiness that will enable them to fully participate.¹⁹⁹ People with a history of substance use must be clean and sober for 180 days. There is a five-day trial period for applicants to fully understand the rigors of the program; after that, they must commit to a 14-week program divided into three sections. The first seven weeks are held at DCCK. There the students attend a therapeutic self-empowerment class in the morning and traditional culinary classes in the afternoon. The following four weeks consist of internships, either through DCCK's own social enterprise catering and meal preparation—the Kitchen serves five thousand meals a day to 80 different organizations—or in area restaurants. During the final three weeks, the students are in "job search mode," going through mock interviews, refining resumes and developing other core workforce skills until they graduate. DCCK remains actively engaged with their graduates for a year postgraduation, maintaining an open door thereafter to be a lifelong resource.

Over the years, DCCK's focus on returning citizens has expanded, not only because they comprise a large percentage of its target audience but also because they often have the characteristics that enable them to be successful in the Kitchen's program. Many are frustrated by the lack of opportunities available to them and have a tremendous sense of urgency to make up for lost time. In addition, for people still under CSOSA supervision, there is the additional support that CSOSA's community supervision officers (CSOs) can provide. Currently, CSOSA refers about a third of the Kitchen's trainees. Because of this close working relationship, DCCK was able to negotiate with CSOSA so that meetings with CSOs would be scheduled so as not to interfere with the training program. <https://dcentralkitchen.org/>

AIMHIRE D.C.

Participants of this program are homeless, at risk for homelessness or have been on long-term unemployment; approximately 40 percent of the participants have been involved in the criminal justice system. The program offers some soft skills training but mostly does on-the-job training and job placement, helping clients to attain certificates applicable to jobs. The timeline for each participant ranges from two weeks to two months, with an average of two months to place a client into a job. AimHire offers three months of retention services, and it works with the client and the employer to proactively resolve any issues that may arise so as to promote more

199 Due to restrictions on some of their funding, registered sex offenders cannot be accepted.

long-term employment. According to director Jermaine Hampton, AimHire has an approximately 86 percent retention rate. <https://friendshipplace.org/job-placement/>

STRIVE D.C.

Modeled after STRIVE New York in New York City, STRIVE D.C. offers skills training in construction and customer service, complete with case management and certification for job required skills, such as CPR/first aid, rigging and food handling. According to its website, STRIVE D.C. has served more than 2,400 residents, placing about 60 percent of them in full-time jobs, and 70 percent of those are continuing to work or to pursue additional education. <http://strivedc.org/introduction/>

Promising Practices Nationwide

Organizations around the U.S., like the ones we describe next, are also engaging in best practices to make returning citizens' experiences more successful.

SECOND CHANCE SAN DIEGO

Second Chance is another organization based on STRIVE's model. Its motto is "Better Attitudes, Better Preparation." Its website boasts placing more than 4,000 graduates into employment since 2003, with 1,754 local employers and an average starting wage of \$10.05 through its job readiness training. Second Chance, like STRIVE, emphasizes individual accountability, and participants are expected to engage in 160 hours of instruction. <http://www.secondchanceprogram.org/job-readiness-training>



CORWIN KNIGHT

My biggest struggle as a returning citizen has been resources.

My biggest success has been becoming a business man—nonprofits, catering, and youth programs.

THE PHILADELPHIA MAYOR'S OFFICE OF REINTEGRATION SERVICES (RISE) JOB READINESS TRAINING

This program is offered through the city specifically for returning citizens. RISE focuses on soft-skills training and runs for three consecutive weeks. <http://rise.phila.gov/services/job-readiness-training/>

WISCONSIN COMMUNITY SERVICES

This nonprofit agency offers more than 40 programs, providing various services in southeastern Wisconsin, one of them being workforce development. The employment and training services programs include employment attachment assistance and long-term career planning, computer literacy, sector-specific training and support

services through case management. It also provides “employer first” skills trade trainings in the construction field through its pre-apprenticeship certificate training. These training services are designed specifically for returning citizens. http://www.wiscs.org/programs/policy_and_workforce/training/

THE OSBORNE ASSOCIATION, NEW YORK

The Osborne Association widely develops programs for a broad range of treatment, education and vocational services each year to more than 8,000 people who have had conflict with the law. Their career center provides career development and coaching, soft skills training, environment and financial literacy education, and job search and retention support. The four-week program at Osborne includes traditional workforce development workshops (cover letter and resume writing, soft-skills, workplace socialization, interview techniques), facilitated therapy with a focus on job readiness, environmental literacy, financial literacy and hard skills training with an introduction of three building trades: carpentry, electrical work and plumbing.

Participants are tested in math, reading and comprehension. This is done with the Tests of Adult Basic Education, and participants must test at the ninth grade level in all three areas. Additionally, they must pass a drug screen, show proof of involvement with the criminal justice system and provide documents of identification. Participants are trained in a 10-hour occupational safety and health training course and on-site training preparation for the food handler’s certification at the end of the program. Upon completion of the program, participants are prepared and coached to interview for employment opportunities with direct-partner-employers, and many apply for positions with private-sector companies. <http://www.osborneny.org/programs.cfm?programID=52>



GERALD CLARK

My biggest struggle as a returning citizen is finding a job.

My biggest success has been being back together with my family.

SAFER FOUNDATION, CHICAGO

Upon entering Safer Foundation’s program, clients go through a six-hour orientation and intake session. Clients complete assessments to identify barriers and interests and are reminded that they are responsible for putting in the time and effort to get their lives back on track. After completing orientation, clients are able to take a job readiness class that is held weekly. They learn essential skills, such as interviewing, workplace etiquette and how to address their background. Safer Foundation offers supportive services as a part of its employment services to address barriers returning citizens may face, such as court-mandated substance abuse counseling, anger management and mental health issues. The Foundation also has sector managers who work with employers and Safer’s staffing company to discuss hiring its clients. Safer’s Transitional Employment Program places its transitional employment clients into 90-day employment opportunities to help them get back on their feet. Its website has a page specifically for employers that includes incentives for hiring returning citizens. <http://www.saferfoundation.org/>



CLARENCE ALEXANDER

My biggest struggle as a returning citizen has been trying to move around in the halfway house.

My biggest success has been joining the DOES Project Empowerment Program.

Recommendations

Employment is a key element of success for most people, not just those with a history of incarceration. Returning citizens need and deserve more opportunities that will help them find and keep a job to support themselves, their families and their communities. Based on the challenges we have covered in this chapter and the many examples of what employment success could look like, we offer the following seven recommendations:

1. To bridge the gap between low levels of educational attainment among D.C.'s returning citizens and D.C.'s changed and changing job market, new and better opportunities for education, training and skill-building are critical. **Expand adult education opportunities with a focus on high school diplomas, secondary education and job skills that are in high demand in local markets.**
2. Returning citizens, like many people in need in the District of Columbia, seek assistance and support from a variety of organizations, government programs and entities scattered through the city with widely divergent missions and resources. Going to one location for ID, another for food bank access and yet another for help with resumes and job placement can be time consuming and frustrating. **The District government, in consultation with service providers, should develop and fund comprehensive programs that provide not just employment skills and training but also meet the holistic needs of returning citizens.**
3. We have presented examples from supervision agencies like CSOSA and service-providing organizations like DCCK where flexibility—and partnerships—have resulted in positive outcomes for returning citizens. Scheduling supervisory meetings so as not to interfere with training schedules seems straightforward and reasonable. Yet this type of flexibility is likely the exception rather than the rule. **D.C. criminal justice agencies should continue to increase the flexibility of the requirements for probation, parole and supervision so that they do not jeopardize or impede work or training.**
4. Despite legislative reform, like Ban the Box, and follow-up efforts to counter discriminatory practices among employers, the stigma of having a criminal record and serving time affects thousands of people in D.C. and around the country every single day. Moving the needle on employer hesitancy to hire will require knowing more about what is behind that hesitancy and what we can do about it. **Research should be undertaken that asks employers about incentives that would encourage them to hire returning citizens, and such incentives should then be developed, implemented and evaluated.**
5. Because D.C. Code offenders are housed in prisons all over the country, their opportunities to enroll in and complete training programs while incarcerated are limited. It has also been shown that there are few linkages between available prison training programs and employment opportunities in the District. Finally, it is clear that the vulnerability of returning citizens is greatest immediately after release. More can be done

to provide pathways for success in these critical areas. **The BOP should replicate quality job training programs at more facilities where D.C. Code offenders are housed, and the D.C. DOC should gather the necessary data to track outcomes from its work-release program and expand participation in the practices that work.**

6. Identity documents are necessary to start a new job, but financial assistance for returning citizens to obtain these documents is limited and scattered over various agencies and non-profits. **The mayor and D.C. Council should work together to fund the Improving Access to Identity Documents Amendment Act of 2016 in the next budget, and DMV, DOC, MORCA, and CSOSA should work in conjunction with non-profits to educate returning citizens about the benefits of this law.**
7. The Council for Court Excellence worked with the D.C. Council nearly a decade ago to develop legislation to permit the sealing of some criminal records, but the process today is complicated, limited and in need of reform. **The D.C. Council, in consultation with key stakeholders, should not only consider legislation to expand the type of offenses that are eligible for sealing and expungement but also consider requiring private companies that collect criminal records to purge information about arrest or conviction records that have been sealed or expunged.**

Education

Education is crucial to employability in the District of Columbia, where soon more than 7 in 10 jobs will require a college degree.²⁰⁰ While the District has made strides in meeting the complex educational needs of returning citizens, programs and policies must continue to be improved. This chapter will present data on levels of educational attainment nationally and in D.C. for men and women, along with a description and analysis of the barriers that returning citizens face, in prison and upon return, related to education and training. One promising practice, the Academy of Hope Public Charter School, provided CCE with invaluable comment on the challenges facing students who have served time and how the school is responding.

National Context

Education is an essential asset to re-entry. Without adequate education, returning citizens may be unable to secure a wage-earning job or one that pays a wage that can support them, their families and their legal obligations. Most returning citizens, however, do not have the education necessary to be competitive in the job market. Nationally, 56 percent of men in the general population have completed some college or higher, while only 23 percent of men in prison have had some post-high school education.²⁰¹ Just 15 percent of all men have not completed high school, compared with 40 percent of men in prison.²⁰²

Women in prison also have lower levels of educational attainment than the general population, although women in the general population and in prison are more likely to have education past high school and less likely to have not completed high school.²⁰³ Only 14 percent of women overall do not have a high school degree, compared with 37 percent of women in prison.²⁰⁴

Across the U.S., making up for this educational deficit often begins in prison or jail. Programs in prison typ-

200 Carnevale, A. P., Smith, N., & Strohl, J. (2010). *Help wanted: Projections of jobs and education requirements through 2018*. Washington, D.C.: Center of Education and the Workforce at Georgetown University.

201 CSOSA. (2014). *Community supervision program: Annual performance budget request, fiscal year 2015*. Washington, D.C.: CSOSA.

202 *Ibid.*

203 Ewert, S. & Wildhagen, T. (2011). *Educational characteristics of prisoners: Data from the ACS*. (Working paper number SEHDS-WP2011-08). Washington, D.C.: USCB.

204 *Ibid.*, p. 18.

ically offer GED classes, and some offer college classes and special education options.²⁰⁵ While incarcerated people are generally not eligible for Pell Grants, the new Second Chance Pell Pilot Program will offer financial assistance to a small number of people in prison for the first time since the 1990s.²⁰⁶ The program will enroll more than 12,000 incarcerated students, likely to be released within five years of beginning coursework, by partnering with 67 colleges and more than 100 federal and state penal institutions.²⁰⁷

In unveiling the program in June 2016, Secretary of Labor Thomas Perez explained the choice of the name: “Many of the people that we’re trying to help frankly haven’t had a fair first chance... people with a criminal record have remarkable potential, and it’s up to us to unlock that potential.”²⁰⁸

A 2013 study showed that correctional education programs make a difference: Participants were 43 percent less likely to recidivate than those who did not participate.²⁰⁹ Prison-based educational programs may also improve a person’s chances of obtaining employment after release. The odds of securing a job in the community upon release were 13 percent higher for people who participated in these programs.²¹⁰ The DOJ just announced on November 30, 2016, that it plans to build a “semi-autonomous school district within the federal prison system, which will offer programs for literacy, high school diplomas and post-secondary education, along with expanded opportunities for individuals with learning disabilities.”²¹¹ When implemented, this will be a major step in the right direction.

Pursuing college may present a different set of barriers for returning citizens. The Common Application for college admissions includes the question, “Have you ever been adjudicated guilty or convicted of a misdemeanor, felony, or other crime?” This can lead to discrimination against applicants; a survey of colleges indicated that 94 percent viewed convictions for a violent crime or sex offense negatively when it came to admissions, while 9 in 10 viewed any felony conviction negatively and 3 out of 4 viewed drug and alcohol convictions negatively.²¹² Sixty-six percent of colleges and universities collect criminal justice information during the application process.²¹³ Of those, less than half have written policies on how to use this information, and less than 40 percent train their staff on how to interpret applicants’ criminal history.²¹⁴

Finally, financial aid is difficult for returning citizens to acquire, given that the federal government restricts

205 Brazzell, D., Crayton, A., Mukamal, D., Solomon, A. L., & Lindahl, N. (2009). *From the classroom to the community: Exploring the role of education during incarceration and re-entry*. Washington, D.C.: Urban Institute., p. 7.

206 U.S. Department of Education (ED). (2015). *U.S. Department of Education launches Second Chance Pell pilot program for incarcerated individuals*. Press release. Washington, D.C.: ED.

207 ED. (2016). *12,000 incarcerated students to enroll in postsecondary educational and training programs through Education Department’s new Second Chance Pell Pilot Program*. Press release. Washington, D.C.: ED.

208 Korte, G. (2016, June). Pell grants for prisoners: Obama to give inmates a second chance at college. *USA Today*.

209 Davis, L. M., Bozick, R., Steele, J. L., Saunders, J., & Miles, J. N. (2013). Evaluating the effectiveness of correctional education, a meta-analysis of programs that provide education to incarcerated adults. Santa Monica, CA: Rand., p. 32.

210 *Ibid.*

211 Yates, S. (2016, November). *Reforming federal halfway houses*. Washington, D.C.: DOJ, Office of the Attorney General.

212 Center for Community Alternatives (CCA). (n.d.). Reconsidered: The use of criminal history records in college admissions. Brooklyn, NY: CCA., p. 18.

213 *Ibid.*, p. 8.

214 *Ibid.*, p. 16.

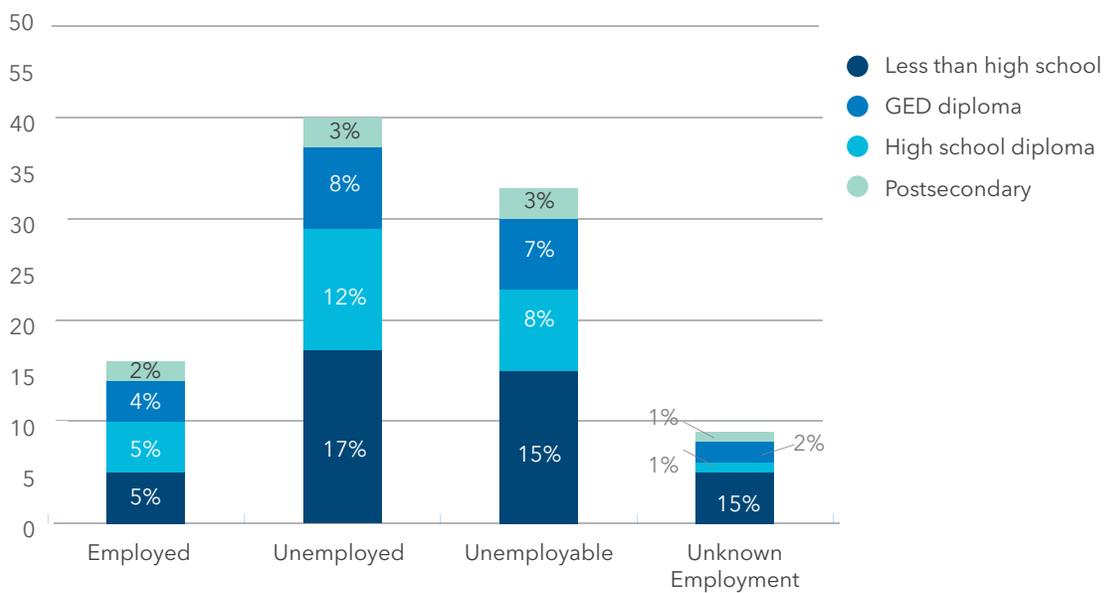
financial aid assistance for at least a year following release of people convicted of felony drug offenses.²¹⁵

D.C. Re-entry Landscape

The District of Columbia is, in many ways, a reflection of the national context. CSOSA data from 2015 indicate that approximately 34 percent of people on parole and more than 43 percent of people on supervised release did not have a GED or high school diploma.²¹⁶ This is problematic in light of the District’s job market, as was described in Chapter 4, with many living-wage jobs and a very high percentage of all jobs in D.C. requiring postsecondary education.²¹⁷

These lower levels of educational attainment impact employability. As Figure 12 indicates, those returning citizens in D.C. with a GED or high school diploma in 2015 were nearly twice as likely to be employed than those who did not complete high school.

Figure 12: Employment of people on CSOSA parole or supervised release at 90 days by educational attainment, 2015²¹⁸



D.C. returning citizens face many of the same barriers to education and training while in prison as their counterparts around the country. While the BOP provides a myriad of educational, vocational, and occupational programs at its facilities throughout the country, not every incarcerated person is eligible to participate in

215 Grove, J. (2011). *Focus on education for the formerly incarcerated*. Atlanta, GA: Southern Regional Education Board., p. 2.

216 CSOSA. (2015). *Community supervision program: Annual performance budget request, fiscal year 2016*. Washington, D.C.: CSOSA. Estimates are based on offender populations as of September 30, 2014.

217 Byrd, T. (2013, October 10). Education and the needs of returning citizens. *Education Town Hall*. Washington, D.C.: We Act Radio.

218 CSOSA. (2015). *Employment at 90 days and educational attainment of 2015 CSOSA entrants*. Unpublished raw data analyzed by authors and on file with CCE. Data categorized as "unknown" not included in the above chart, as it was less than 5 percent for each category.

every program.²¹⁹ Some programs, for example, only accept participants with certain custody levels. D.C. Code offenders may be excluded from some BOP programs due to their risk assessment score or custody level.²²⁰ As Philip Fornaci explained in testimony to Congress, “Unlike most federal prisoners whose sentences were handed down in federal court under federal charges, D.C. prisoners are primarily convicted of local ‘street crimes.’ As a result, most D.C. prisoners tend to be held in the highest security facilities, at least for the first several years of their sentences... If they are serving long sentences, D.C. prisoners can anticipate being moved to a different prison every three to five years, and often more frequently.”²²¹ Therefore, if a program is only offered to people in minimum security, a person with a higher custody level will not be approved for participation.

All BOP programs are developed with a time frame, which also affects a person’s eligibility for participation. For example, some programming is only available within a certain number of months from release; people serving indeterminate sentences under the old parole system, have reported that BOP staff are using the “top number” rather than the “bottom number” in determining a release date, thus making them ineligible.²²² Furthermore, as was discussed in Chapters 2 and 4, waitlists for BOP programs are significant. This, too, presents a challenge for D.C. Code offenders who are frequently transferred between facilities,²²³ which may limit their ability to participate in certain programming.

Financial barriers exist as well. One CCE focus group participant said that while he was incarcerated in California, he was involved in a solar panel training program, but did not have the few hundred dollars he needed to fully complete the training. Furthering one’s education can become an overwhelming challenge for returning citizens who have other financial responsibilities.

Another issue is the availability and relevancy of the training. Teresa told CCE she knew people in prison who had participated in training programs in cosmetology and welding, but these programs typically admitted only 15 people at a time. Additionally, Teresa was critical that many of the training programs available were not relevant to the outside world and that her friends left prison thinking they had qualifications, only to find that they needed other training entirely.

With an emphasis on vocational training in prison, college-level classes are less common. As one returning citizen referred to her time in prison,



TYRONE PARKER
Returning Citizen

219 For more information on the types of programs administered by BOP, see generally, BOP. (2015). *A directory of Bureau of Prisons’ national programs*. Web. Retrieved from https://www.bop.gov/inmates/custody_and_care/docs/BOPNationalProgramCatalog.pdf

220 *Housing of D.C. felons far away from home: Effects on crime, recidivism and re-entry*: Hearings before the Committee on Oversight and Government Reform, House of Representatives, (2010). (Testimony of Philip Fornaci).

221 *Ibid.*, p. 2.

222 Byrd, T. (2013, October 10). Education and the needs of returning citizens. *Education Town Hall*. Washington, D.C.: We Act Radio.

223 *Housing of D.C. felons far away from home: Effects on crime, recidivism and re-entry*: Hearings before the Committee on Oversight and Government Reform, House of Representatives, (2010). (Testimony of Philip Fornaci), p. 2. As was discussed in previous chapters, incarcerated people who are transferred from one prison to another are placed at the bottom of the waitlists for programs at their new facility.



ROBERT ANDRE' ROSE

My biggest struggle as a returning citizen has been today's technology.

My biggest success has been being personally optimistic. I see nothing but success and opportunities through my eyes.

“There were no college courses there, so I couldn’t do any classes... That would have been good to have.” In some ways, having a college education may work against people while they are incarcerated. Unlike many returning citizens, one of CCE’s interviewees, Taylor, had a college degree before her incarceration; prison staff determined she had “no educational deficits” and consequently made her ineligible for classes or training.

It is also the case that some returning citizens have learning disabilities and behavioral health problems.²²⁴ Consequently, obtaining a correct diagnosis, treatment and special accommodations are critical for a returning citizen to succeed educationally.

For incarcerated youth with special needs, this is a particularly serious issue, because special education services are often not made available to them. In response, over the past 25 years, the U.S. Department of Justice and nongovernmental organizations have initiated class action litigation in the District of Columbia because of the lack of education services available to incarcerated people, especially those in juvenile facilities with disabilities.²²⁵ The Department of Justice claims that inadequate education practices for these youth violate their statutory rights to education services.²²⁶ According to Joseph Tulman, professor at the University of the District of Columbia David A. Clarke School of Law, “The failure by the BOP to provide special education services also violates Section 504 of the Rehabilitation Act of 1973.”²²⁷ Failing to provide eligible incarcerated people with special education and related services “is discriminatory and impedes their access to education and rehabilitation services to which they are entitled while in the legal custody of the BOP.”²²⁸

Once released, returning citizens find other challenges to pursuing their education. CCE’s interview with the staff of the Academy of Hope Public Charter School revealed a number of such challenges. Some students have a high school or GED certificate from years past and think that they are ready to pursue a college degree or technical education, but when they must demonstrate their subject-matter knowledge, it becomes clear that some of this knowledge has evaporated during their years of incarceration. Rather than going on to higher education, these individuals must relearn language and math skills. Similarly, some people with a high school degree may have received a diploma without ever mastering the material. Returning citizens may become

224 Brazzell, D., Crayton, A., Mukamal, D., Solomon, A. L., & Lindahl, N. (2009). *From the classroom to the community: Exploring the role of education during incarceration and re-entry*. Washington, D.C.: Urban Institute., p. 9.

225 Dignity in Schools Campaign. (2008). *The right to education in the juvenile and criminal justice systems in the United States: Submission to Vernor Muñoz, Special Rapporteur on the Right to Education, Human Rights Council, United Nations*. New York City. Web. Retrieved from https://www.aclu.org/sites/default/files/images/asset_upload_file164_38663.pdf

226 *Ibid.*

227 Tulman, J. B. (n.d.). Statement by Joseph B. Tulman to the Charles Colson Task Force. Washington, D.C.

228 *Ibid.*

demoralized when they realize they have even further to go than they thought.²²⁹

In addition to academic challenges, returning citizens face logistical problems in pursuing their education. Academy staff told CCE that, upon their release, returning citizens must secure housing and employment and re-establish bonds with their families. Pursuing education requires a significant financial and time commitment, one that returning citizens are often unable to make upon their re-entry. One new school aiming to help students overcome these challenges is the Goodwill Excel Center. Opened in August 2016 in downtown D.C., this public charter school caters to adult students who face barriers to attendance by providing transportation stipends, compact eight-week semesters, on-site child care and both high school diploma and industry certification tracks.²³⁰

Maintaining needed government benefits can also be an issue. As currently structured, Temporary Aid to Needy Families (TANF) does not emphasize the importance of education—just employment, any employment.²³¹ Therefore, if a returning citizen is enrolled in classes and on TANF and the TANF case manager finds them a job, the individual must prioritize the job over the education, even if the job may not be on a career track that would lead to higher earnings in the future.

The real expansion that is required for success is a bridge between prison education and training and re-entry. As the U.S. Department of Education stated, “Strengthening and aligning education services provided in correctional institutions and the community to support successful movement between the two,” can make a more streamlined transition for returning citizens.²³² Another major component of connecting correctional and community education involves planning the education path of incarcerated citizens before their release. This involves finding appropriate educational programs, ensuring they have the flexibility to fit into the returning citizen’s life and making sure financial aid is available for people who need it.

Overall, success would be the improvement of prison education systems, the creation of a strong system of interaction between prison education and postprison education, and the development of more accessible—and flexible—programs for returning citizens. At least one jurisdiction is taking strong steps in that direction. In January 2016, Governor Andrew Cuomo reintroduced plans to provide college education to people in New York state prisons, saying, “Far too many of our young people end up trapped in our criminal justice system with no path out... it can’t be that every door is closed except the one back into prison.”²³³

229 Academy of Hope. (2015). *Interview with Academy of Hope Public Charter School staff.* (T. Velázquez, interviewer). Unpublished notes on file with CCE.

230 Goodwill Excel Center. (n.d.). Frequently asked questions. Retrieved from <http://www.D.C.goodwill.org/excel-center/frequently-asked-questions/>.

231 See generally, Hahn, H., Kassabian, D., & Zedlewski, S. (2012). TANF work requirements and state strategies to fulfill them. Washington, D.C.: Urban Institute.

232 Tolbert, M. (2012). *A re-entry education model: Supporting education and career advancement in low skill individuals in corrections.* Washington, D.C.: ED., p. 7.

233 McKinley, J. & McKinley, J. C. (2016, January 10). Cuomo proposes higher-education initiative in New York prisons. *The New York Times*.

Promising Practices

THE ACADEMY OF HOPE PUBLIC CHARTER SCHOOL

D.C.'s Academy of Hope Public Charter School is an adult public charter school with campuses in Wards 5 and 8. The Academy provides “tailored educational services for adults who, due to low-literacy and insufficient basic skills, are not able to find or retain living-wage employment and are often trapped in a cycle of poverty.”²³⁴ While the Academy does not specifically track students who are returning citizens, it knows from the conversations between staff and students that many of the latter have served time.

To accommodate the complex lives of its students, the Academy offers a great deal of flexibility, offering day and night programming at two locations. It also permits students to put their education on hold for a term or more and return when they are ready. Moreover, the Academy does not require students to take a minimum number of credits.

Academy staff told CCE that although many of its students had been in prison, few indicated on their enrollment form that they had heard about the school while incarcerated. Students cited word of mouth, the library and online resources as the typical way they learned about the program.

The school is also doing more to respond to the unique needs of returning citizens. It recently applied for and received funding to test 200 adult students for learning disabilities. This is essential because it can provide such students with extra time on the GED and other standardized tests. The same is true of other disabilities and health issues that may require an individualized track for the person to be successful.

It is important to recognize that achieving educational goals is as much about progress as it is success. Academy staff noted that when people are better able to manage their finances, read to their kids and help them with their schoolwork, they feel more self-confident overall. Jamie Kamlet, advocacy manager at the Academy, described a man working on his high school degree who was still struggling with multiplication. When he passed a test on the five times table, he held up his test and kissed it. Whether it is achieving competency in mathematics or going to college, all returning citizens have a right to an education that meets them where they are both academically and personally.

The environment fostered by the Academy is proving successful. In the 2015 school year, 71 percent of the Academy's students who attempted the GED exam passed; 77 percent of students who attempted the IC3 exam (a “digital literacy” certification) passed; and 82 percent of learners at the school entered a postsecondary educational, apprenticeship, or occupational skills training program.²³⁵ <http://aohdc.org/>



SHAMON VINES
Returning Citizen

234 Academy of Hope. (n.d.). Our impact. Web. Retrieved from <http://aohD.C..org/what-we-do/our-impact>.

235 Academy of Hope. (2015). *Annual report: School year 2014-201*, Washington, D.C.: Academy of Hope., p. 9.

Recommendations

This chapter has focused on how education is crucial to employability, nationally and in the District of Columbia, and correlates to lower levels of recidivism. Returning citizens need and deserve increased and improved education programs in prison and upon their release. Based on the challenges we have outlined—and the description of what success might entail—we offer the following five recommendations:

1. Lower levels of educational attainment impact employability, so much so that returning citizens with a GED or high school diploma are much more likely to find a job than those without. **The District of Columbia government, in consultation with the nonprofit community, should continue to increase the availability of high school diploma programs that offer flexible schedules and other supports to adults.**
2. Pursuing education requires a significant financial and time commitment, and some returning citizens may find they cannot meet these challenges. Moreover, restrictions on federal aid for education may complicate the process further. **MORCA, social service providers and re-entry community advocacy organizations should focus on assisting returning citizens with enrolling in educational courses and applying for financial aid as part of their transition home.**
3. CCE's research has uncovered the possibility that D.C. Code offenders are being excluded from or declared ineligible for educational programs while in federal custody. **The BOP should increase access to GED and college courses at BOP facilities for D.C. Code offenders.**
4. While the District has made some strides in meeting the complex educational needs of returning citizens, programs and policies must continue to be improved. **The D.C. DOC should undertake to have an evaluation conducted concerning the quality of its GED and special education services that would include the establishment and implementation of a formal improvement plan.**
5. Learning disabilities and behavioral health problems contribute to the negative school experiences that often precede incarceration. A correct diagnosis, treatment and special accommodations are critical. **The BOP should make special education services available at BOP facilities to people under 22 years of age or house those who qualify at the D.C. DOC where they can utilize existing services.**



RONALD COLES
Returning Citizen

Physical and Behavioral Health

Introduction

Returning citizens experience more health problems than the general population,²³⁶ commonly facing mental illness, chronic physical illnesses and substance use disorders. There is also growing concern surrounding America's aging prison population and their medical needs.²³⁷ This chapter will cover the toll that physical and mental illness has had on returning citizens and will highlight certain issues like HIV or AIDS that are particularly prevalent in the returning citizen community, followed by promising practices and a series of recommendations.

National Context

According to BOP data, incarcerated people age 50 and older are the fastest growing segment nationally, increasing 25 percent from 24,857 in FY2009 to 30,962 in FY2013.²³⁸ It is estimated that the BOP has spent 19 percent of its overall budget on this increasing population that is more costly to incarcerate due to their increased medical needs. While it is constitutionally required to provide health care in correctional facilities,²³⁹ the care can be of variable quality.

Once people are released, however, a lack of health insurance and other barriers contribute to lapses in treatment and to more serious health outcomes.²⁴⁰ Studies have shown that people with physical and behavioral health problems while in jail and prison have more re-entry difficulties upon release, particularly with respect to employment and recidivism.²⁴¹

Many justice-involved individuals have substance use disorders, either alone or co-occurring with mental illness. As of 2015, of the 2.3 million people in U.S. prisons and jails, 1.5 million met the medical criteria for substance

236 Bingswanger, I. A. (2010, October 25). *Chronic medical diseases among jail and prison inmates*. American College of Correctional Physicians. Retrieved from <http://societyofcorrectionalphysicians.org/corrdocs/corrdocs-archives/winter-2010/chronic-medical-diseases-among-jail-and-prison-inmates>

237 Chiu, T. (2010, April). *It's about time: aging prisoners, increasing costs, and geriatric release*. New York.: Vera Institute of Justice.

238 Office of the Inspector General. (2016). *The impact of an aging inmate population on the Federal Bureau of Prisons*. Washington, D.C.: DOJ. Data are for the entire BOP population, not only D.C. Code offenders.

239 ACLU National Prison Project. (2005). *Know your rights: Medical, dental and mental health care*. Washington, D.C.: ACLU.

240 NIC. (n.d.). Mentally ill persons in corrections. Web. Retrieved from <http://nicic.gov/mentalillness>

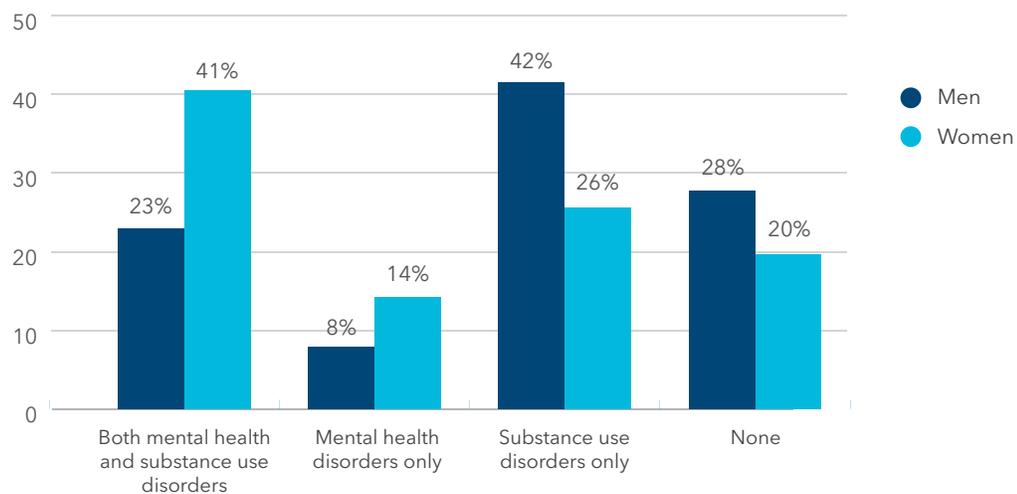
241 *Ibid.*

use or addiction, as is illustrated below in Figure 13.²⁴² Moreover, 458,000 had histories of substance use and were under the influence of alcohol or other drugs at the time of their offense, committed their offense to get money to buy drugs, were incarcerated for an alcohol or drug law violation, or shared some combination of these characteristics.²⁴³

Additionally, many people in the justice system use drugs to self-medicate as a way to cope with trauma. In a 1999 study, 19 percent of incarcerated people in state prisons, 10 percent of incarcerated people in federal prisons and 16 percent in local jails or on probation reported they had been physically or sexually abused before their current sentence.²⁴⁴ These figures are higher for women. Slightly less than half of the women in correctional populations have indicated past abuse, compared with 1 in 10 men.²⁴⁵ There is a strong relationship between having been physically and/or sexually abused and being dependent on or abusing drugs and alcohol.²⁴⁶

Moreover, many people in the justice system have serious mental illnesses, such as depression, bipolar disorder or schizophrenia.²⁴⁷ More than half of the people in state prisons and 45 percent of the people in federal prisons have symptoms or a recent history of mental health problems.²⁴⁸ Incarcerated people in state prisons are four times as likely as adults in the general population to have a serious mental illness.²⁴⁹

Figure 13: Percent of prison and jail inmates with mental health and substance use disorders, 2010²⁵⁰



242 The National Center on Addiction and Substance Abuse (CASA). (2009). *Behind bars II: Substance abuse and America's prison population*. New York: CASA.

243 *Ibid.*

244 Harlow, C. W. (1999). *Prior abuse reported by inmates and probationers*. Washington, D.C.: DOJ.

245 *Ibid.*

246 Jane Leibschultz, J. B.-T. (2002). The relationship between sexual and physical abuse and substance abuse consequences. *Journal of Substance Abuse Treatment*, 22(3), 121-128.

247 Kim, K., Becker-Cohen, M., & Serakos, M. (2015). *The processing and treatment of mentally ill persons in the criminal justice system*. Washington, D.C.: Urban Institute.

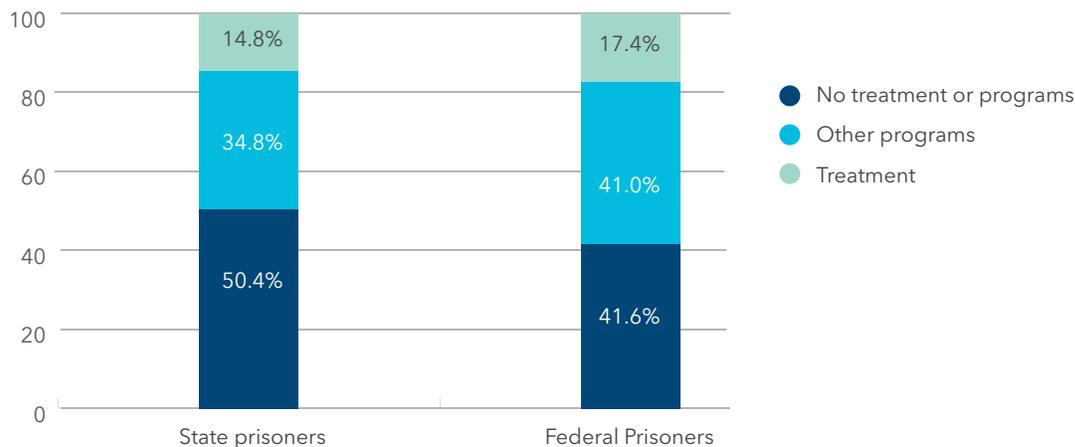
248 James, D. J., & Glaze, L. E. (2006). *Mental health problems of prison and jail inmates*. Washington, D.C.: DOJ, p. 22.

249 Substance Abuse and Mental Health Services Administration (SAMHSA). (2013). *Behavioral health barometer: United States, 2013*. Rockville, MD: SAMHSA.

250 CASA. (2009). *Behind bars II: Substance abuse and America's prison population*. New York: CASA.

Reducing substance use dependence while in prison can have a highly positive effect on re-entry outcomes. As Figure 14 illustrates, as few as 15 percent of people in need of treatment receive it while they are incarcerated.²⁵¹

Figure 14: Percent of prisoners meeting criteria for drug dependence or substance use disorders who are receiving treatment or other programming (self-help or peer counseling)²⁵²



CHEARIE PHELPS-EL

The struggle is real. I feel like a champ. The battle with mental health, staying clean and sober, and keeping my head above water.

My biggest success as a returning citizen has been being free.

Returning citizens with substance use issues frequently return to drug use for a variety of reasons, including lack of treatment options that fit into their other obligations. Fewer than 1 in 10 participate in formal treatment programs like Alcoholics Anonymous or Narcotics Anonymous.²⁵³ One study found that within 8 to 10 months after release, roughly 4 in 10 returning citizens with substance use problems reported alcohol or other drug use.²⁵⁴ The period directly after release, which is a particularly stressful time, can lead to relapse; in fact, there is a three- to eightfold increased risk of drug-related death during the first two weeks following release.²⁵⁵

Regarding returning citizens with mental illnesses, many leave prison without sufficient medication supplies and may face a gap in services while they wait for Medicaid or Social Security disability benefits to be rein-

251 JHC. (2013). *Health disparities in the criminal justice system: Quick facts*. New York: JHC., p. 22.

252 *Ibid.*

253 Mallik-Kane, K., & Vischer, C. A. (2008). *Health and prisoner re-entry: How physical, mental, and substance abuse conditions shape the process of reintegration*. Washington, D.C.: Urban Institute., p. 59.

254 *Ibid.*

255 JHC. (2013). *Health disparities in the criminal justice system: Quick facts*. New York: JHC.

stated. Carl Wicklund, former executive director of the American Parole and Probation Association, noted in an interview with CCE that in many communities it can take a long time for a treatment slot to open.²⁵⁶ He added that many county service providers simply do not have the capacity to handle the sheer numbers of returning citizens with mental health needs.²⁵⁷

People being released from prison or jail may not have connections to mental health treatment, other supportive services or housing. When this is the case, many people can quickly decompensate, causing them to experience a worsening of symptoms, which can in turn result in behavior that leads to a violation of release conditions or a new crime.²⁵⁸ They may also have difficulty keeping track of meetings with their parole or probation officer, and other obligations, if they are under supervision.

“When I was with the Maryland Department of Public Safety for 14 years, the staff explained to me that mental health treatment was designed to do nothing more than stabilize [inmates’] experience while in prison or while in jail. It had little to do with stabilizing that experience in the community.”

LEONARD A. SIPES, JR.

Source: Sipes, L. A., Jr. (2006). *Returning from prison to Washington D.C.—“We make transition possible.”* Washington, D.C.: CSOSA, p. 2.

Returning citizens with mental health issues have significant trouble acquiring and maintaining employment. In one study, only 36 percent of men and 26 percent of women with mental health conditions had found any employment within the first two to three months out of prison.²⁵⁹

Chronic physical ailments are another common characteristic of people in prison and jail. Compared to the general adult population, incarcerated individuals are more likely to have hypertension, asthma, arthritis, cervical cancer (for women) and hepatitis.²⁶⁰ HIV and AIDS infection is another particularly pervasive problem in our nation’s prisons, with a rate five times higher than in the general public²⁶¹ and with many undiagnosed prior to incarceration.²⁶² We will return to the subject of HIV and AIDS in a forthcoming section on the District of Columbia, which has one of the highest HIV-infection rates in the U.S.

256 Wicklund, C. (2015). *Phone Interview*. (T. Velázquez, interviewer). Unpublished notes on file with CCE.

257 *Ibid.*

258 Human Rights Watch. (2009, September 22). *Mental illness, human rights and US prisons: Human Rights Watch statement for the record to the Senate Judiciary Committee Subcommittee on Human Rights and the Law*. Web. Retrieved from https://www.hrw.org/news/2009/09/22/mental-illness-human-rights-and-us-prisons#_Prisons_and_Prisoners

259 Mallik-Kane, K., & Visser, C. A. (2008). *Health and prisoner re-entry: How physical, mental, and substance abuse conditions shape the process of reintegration*. Washington, D.C.: Urban Institute., p. 38.

260 Bingswanger, I. A. (2010, October 25). *Chronic medical diseases among jail and prison inmates*. American College of Correctional Physicians. Retrieved from <http://societyofcorrectionalphysicians.org/corrdocs/corrdocs-archives/winter-2010/chronic-medical-diseases-among-jail-and-prison-inmates>

261 Justice & Health Connect (JHC). (2013). *Health disparities in the criminal justice system: Quick facts*. New York: JHC.

262 Center for Disease Control and Prevention. (2015, July 22). *HIV among incarcerated populations*. Web. Retrieved from <http://www.cdc.gov/hiv/group/correctional.html>.

As with mental health treatment, continued treatment of physical health conditions upon release from prison can falter as well. One study indicated that 2 in 3 men and 3 in 4 women with physical health conditions received treatment during prison.²⁶³ Eight to 10 months after release, people receiving treatment for these conditions dropped to half for men and 60 percent for women.²⁶⁴

D.C. Re-entry Landscape

The myriad issues concerning the health and mental health of D.C. returning citizens in many ways mirrors the national context. The District has one of the highest HIV-infection rates in the U.S.,²⁶⁵ with approximately 2.5 percent of D.C. residents living with HIV.²⁶⁶ D.C.'s efforts to combat HIV have made progress: The rate of people living with HIV has fallen since 2009, and there has been a 60 percent decrease in new diagnoses.²⁶⁷ Despite this achievement, HIV is still a prevalent issue among the incarcerated community. In 2010, 931 people living with HIV in D.C. were diagnosed in jail.²⁶⁸ However, those numbers decreased dramatically by FY2016 when 46 people living with HIV were diagnosed—a 95 percent decrease.²⁶⁹

HIV disproportionately affects D.C.'s African-American community. In 2012, black people with HIV represented 75 percent of D.C.'s total infected population, and 6.3 percent of the city's black male residents were living with the disease.²⁷⁰ In the same year, roughly 3 percent of the primarily black Ward 8 was HIV-positive. As discussed, black people in D.C. are incarcerated at a rate 19 times higher than whites. Given this, combating and treating HIV has become a priority of the D.C. criminal justice system.²⁷¹

For people living with HIV, continuity of medical care is essential. One survey found that among people with HIV who were released from prison, “only 5.4 percent had filled their antiretroviral prescriptions within 10 days of release, 18 percent within 30 days, and only 30 percent within 60 days.”²⁷² Often, returning citizens are unable to afford their prescriptions because of gaps in health care coverage or lack of access to a physician.²⁷³ In response to this, D.C. Department of Health (DOH) has collaborated with the U.S. Parole Commission to ensure that any HIV-positive person released from the federal prison system remains on treatment and is immediately connected to medical care.²⁷⁴ DOH also provides for a 30-day supply of HIV medication to people

263 *Ibid.*, p. 21.

264 *Ibid.*, p. 1.

265 Kaiser Family Foundation (KFF). (2012, July). *Fact sheet: The HIV/AIDS epidemic in Washington, D.C.* Washington, D.C.: KFF.

266 Curry, C. (2015). How Washington D.C. cut its epidemic-level HIV rate by 40 percent. *Vice News*.

UNAIDS considers an HIV epidemic to be when the infection rate is more than 1 percent of the population.

267 *Ibid.*

268 D.C. Department of Health (DOH). (2013). *District of Columbia community health needs assessment, volume 2*. Washington, D.C.: DOH.

269 CCE correspondence with R. Chakraborty, D.C. DOC, November 2, 2016. “[In FY2016,]267 individuals previously known to be HIV positive were incarcerated at DOC.”

270 KFF. (2012, July). *Fact sheet: The HIV/AIDS epidemic in Washington, D.C.* Washington, D.C.: KFF.

271 See, for example, DOH. (2013). *District of Columbia community health needs assessment, volume 2*. Washington, D.C.: DOH.

272 Center for American Progress (CAP) & Movement Advancement Project (MAP). (2016, February). *Unjust: How the broken criminal justice system fails LGBT people*. Washington, D.C.: CAP.

273 *Ibid.*

274 DOH. (2011). *Mayor Gray announces new Mayor's Commission on HIV/AIDS*. Press release. Washington, D.C.: DOH.

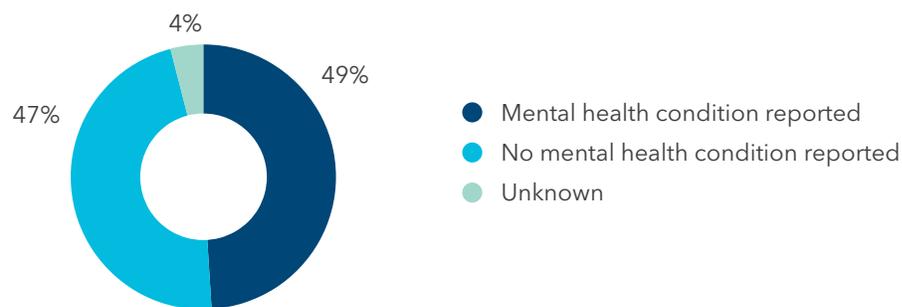
released from D.C. DOC. Furthermore, Unity Health Care—the health care provider for D.C. DOC—offers a continuity of care program in the community, where about 45 percent of people released from the jail seek medical services in Unity’s neighborhood clinics.²⁷⁵

Other health issues that returning citizens face involve lack of access to healthy foods and good nutrition in general. Many returning citizens live in places where fresher food options are not available, and this can have a significant impact on their physical health. As one of Bread for the City’s legal advocacy coordinators described, “Little things can make a big difference [in the lives of clients.]” Last year, she advocated for WMATA to add a bus stop on one route in Southeast D.C. to help nearby residents get to the grocery store more easily. Not being able to get to the store may lead to eating less healthy food at more expensive carryouts.

For older people experiencing re-entry, the aging process itself presents a host of problems, such as aging out of employment training programs for returning citizens, having fewer family and community support contacts, discovering a drastically changed city upon return, and for people serving longer sentences, having longer gaps in their resumes as a further barrier to employment.²⁷⁶

While CSOSA does not have detailed data on the range of chronic health issues affecting people under its supervision, the agency does keep track of mental health or substance use diagnoses when returning citizens come under its supervision. In 2015, 691 people entered CSOSA supervision from prison with a mental health diagnosis, 670 without a mental health diagnosis and 58 whose mental health history was unknown at the time data was gathered (see Figure 15a).²⁷⁷

Figure 15a: Repted mental health status of people entering CSOSA supervision from prison in 2015



As Figure 15b demonstrates, people who entered CSOSA supervision from prison in 2015 with a reported mental health condition were more likely to have a co-occurring substance use disorder, to be unemployed

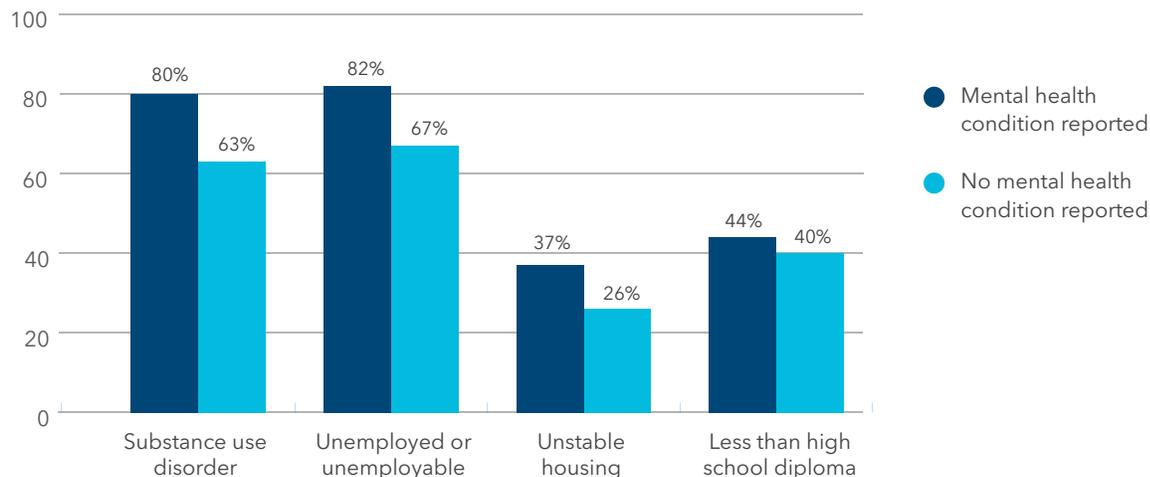
275 CCE correspondence with R. Chakraborty, D.C. DOC, November 2, 2016.

276 ODCA. (2016). *The impact of “Ban the Box” in the District of Columbia*, Washington, D.C.: ODCA.

277 CSOSA. (2015, December). *People entering CSOSA supervision from prison with health diagnoses*. Unpublished raw data analyzed by authors and on file with CCE.

or unemployable²⁷⁸ and to have unstable housing compared with the CSOSA population without a mental health condition.²⁷⁹

Figure 15b: Characteristics of people entering CSOSA supervision from prison in 2015, by reported mental health status



CSOSA provides treatment to approximately 25 percent of the population under its supervision who are in need.²⁸⁰ CSOSA refers lower-risk returning citizens to the D.C. Department of Behavioral Health (DBH), the agency primarily responsible for addressing the substance use treatment needs of eligible District residents.²⁸¹ While it does not have funds for medical care, CSOSA does advise returning citizens to register for the D.C. Health Benefits Exchange Authority, an outgrowth of the Affordable Care Act of 2010 (ACA), or for Medicaid.

In D.C., adult individuals earning up to 210 percent of the federal poverty line are eligible for Medicaid coverage; there are different rates for children, parents and pregnant women.²⁸² This can be of tremendous benefit to returning citizens. The ACA can also be a source of affordable insurance for people who are low income but not eligible for Medicaid.

While people in jail or prison are not eligible for Medicaid, they are able to resume their benefits once they return to the community rather than having to start over and reapply for coverage. This is the result of the District changing its Medicaid policy to “suspension of coverage” rather than “termination” effective October

278 An unemployed person does not have a paid job, but is available to work, whereas an unemployable person does not have a paid job, but is not available to work, for example, due to disability, retirement or because they are a student. In the above chart, people with self-reported mental health conditions are more likely to be unemployed or unemployable than people without. A person with a mental health condition and without a paid job may be categorized as either unemployable (e.g., if their condition is recognized as a disability or they are a student) or unemployed (e.g., if their condition is not severe or is sufficiently well controlled or managed and so is not a disability).

279 CSOSA. (2015, December). *Comparisons of people entering CSOSA supervision from prison in 2015 with and without a mental health condition*. Unpublished raw data analyzed by authors and on file with CCE.

280 CSOSA. (2014). *CSOSA fact sheet: Re-entry in Washington, D.C.*. Washington, D.C.: CSOSA.

281 *Ibid.*

282 Anderson, C. (2016). *District of Columbia Medicaid: D.C. Medicaid eligibility among most generous in U.S.* Web. Retrieved from <https://www.healthinsurance.org/D.C.-medicaid/>

1, 2015.²⁸³ The D.C. DOC works to send a weekly list of people it is releasing to the Department of Health Care Finance, which manages Medicaid. For a person who had been on Medicaid, his or her status must then be changed from suspended to active, and then the individual may immediately access health care services.²⁸⁴

This process, however, does not extend to D.C. Code offenders who are in BOP custody around the country. The BOP does not provide a similar list of people who are about to be released. Consequently, those individuals may face gaps in coverage that allow their medications and medical services to lapse. While Unity Health Care has been assisting some people at the D.C. Jail apply for Medicaid prior to re-entry, there does not appear to be an equivalent service for people in BOP custody.²⁸⁵



JAMES LEBLANC

My biggest struggle as a returning citizen has been stigmatization.

My biggest successes have been marriage, employment, and sobriety.

Other improvements are evident in the District's handling of people under supervision who have mental health issues. CSOSA's Behavioral Health Unit uses the standard of "substantial compliance" rather than "strict compliance," which is a step in the right direction. But the reality is that not all people in need are supervised by this particular team. As a federal agency, CSOSA is required to provide accommodations to supervisees with disabilities under Section 504 of the Rehabilitation Act. One such accommodation is the use of collateral contacts, which according to Tammy Seltzer, are an even more flexible approach whereby a supervisee can establish contact with his or her supervision officer in an alternative setting rather than coming to the office. CSOSA has been creative by ensuring face-to-face contact continues but in less traditional locations. "One CSO met with her client on a certain park bench once a month... that way they'd have the face-to-face that is required."²⁸⁶

The D.C. Jail has also taken steps to improve its care of people with mental health diagnoses while at the jail and just prior to release. A Mental Health "Step Down Unit" became operational at the jail in May 2016, and the first four incarcerated people graduated the nine-week program to general population in September 2016. The unit provides a therapeutic, trauma-informed environment to serve as a "step down" from the acute mental

283 Seltzer, T. (2015). *Personal interview with Tammy Seltzer, Director, D.C. Jail & Prison Advocacy Project, Disability Rights D.C. at University Legal Services.* (T. Velázquez, interviewer). Unpublished interview notes on file with CCE.

284 *Ibid.*

285 *Ibid.*

286 *Ibid.*

health unit, which is now reserved for people currently experiencing a mental health crisis.²⁸⁷ Advocates like Seltzer believe this type of unit can help reduce the use of segregation and provide assistance to people who are about to transition to the community. The new unit currently only serves men. However, according to D.C. DOC, “DOC and Unity [Health Care] will consider appropriate programming for mentally ill women [based on evaluation of the program and population size and needs].”²⁸⁸

Seltzer also believes that the D.C. DOC is working to focus more on rehabilitation. But in order to provide a truly trauma-informed environment, a culture shift needs to occur. “Staff can’t just take a class on trauma... There needs to be buy-in at all levels to change the culture... with a focus on how to help people be successful rather than trying to break them down.”²⁸⁹

The responsibility for improving outcomes for returning citizens with mental health diagnoses is not that of correctional facilities alone. In recent years, other government agencies and community organizations have acknowledged their role in ensuring successful outcomes for returning citizens. Beginning in 2016, for example, “DBH is requiring that Core Service Agencies connect with their clients or future clients in the [D.C.] DOC while they are incarcerated and prior to release in all FY2017 [funding request proposals] to strengthen linkages to community care upon re-entry.”²⁹⁰

In addition, MPD has taken steps to ensure that each of its officers will receive Crisis Intervention Training, a course offered by DBH that teaches officers to recognize the signs that a person may be experiencing a mental health crisis, use de-escalation techniques, and determine the most appropriate police action.²⁹¹ However, in D.C., officer choices other than arrest are quite limited unless the person poses an immediate threat to themselves or others. One jurisdiction that has successfully increased options for law enforcement to assist a person with mental illness is Bexar County (San Antonio), Texas. Bexar County changed its laws to allow police to provide non-custodial transportation to care for people in need of connection, or re-connection, to mental health services.²⁹² A 48-hour sobering unit is available to people brought in by law enforcement, accompanied by more intensive long term mental health and substance use treatment.²⁹³ Since its creation in 2008, it is estimated that the Bexar County system has saved the county around \$50 million by keeping people with mental illnesses out of jail and effectively treating their conditions.²⁹⁴

287 CCE correspondence with R. Chakraborty, D.C. DOC, November 2, 2016: “The Step Down Unit serves in coordination with the Acute Mental Health Unit to assist incarcerated people who have demonstrated the ability to work towards becoming functional in communal environments successfully make that transition over a nine-week period. Programming in the unit includes contractually provided medication management, substance abuse awareness and treatment, trauma informed care, and mindfulness. Volunteer provided programming includes art and music therapy, anger management training, parenting groups, and AA/NA groups.”

288 *Ibid.* It should be noted that, as it is currently formatted, the Step Down Unit is a 9-week program, and the average and median lengths of stay for women detained at D.C. DOC are 7 and 39 days, respectively.

289 Seltzer, T. (2015). *Personal interview with Tammy Seltzer, Director, D.C. Jail & Prison Advocacy Project, Disability Rights D.C. at University Legal Services.* (T. Velázquez, interviewer). Unpublished interview notes on file with CCE.

290 CCE Correspondence with R. Chakraborty, D.C. DOC, November 2, 2016.

291 MPD. (2013, June 13). *MPD recognizes Crisis Intervention Officer of the Year.* Press Release. Washington, D.C.: MPD.

292 Evans, L. (n.d.). *Blueprint for success: The Bexar County model. How to set up a jail diversion program in your community.* Washington, D.C.: National Association of Counties., p. 26, 38.

293 Gold, J. (2014, August 19). *Mental health cops help reweave social safety net in San Antonio.* WNYC.; Evans, L. (2016, October 31). *Finding a ‘better way’ to help people with mental illness.* Huffington Post.

294 Gold, J. (2014, August 19). *Mental health cops help reweave social safety net in San Antonio.* WNYC.

It remains to be seen what the future holds for corrections and related agencies in the District of Columbia. Despite shifts in policy and changes in culture that have vastly improved outcomes for justice-involved people with mental health diagnoses, there are currently several contract and leadership transitions happening in the District that will have a significant impact on treatment afforded people with mental health issues and/or co-occurring disorders. For instance, D.C.'s CTF, which for many years has contracted with the Corrections Corporation of America, will soon be returned to D.C. DOC management. In addition, D.C. DOC Director Thomas Faust left his position in November 2016, and D.C. Jail Warden William Smith retired in September 2016. The city is also searching for a permanent Chief of Police since Cathy Lanier's retirement in September 2016.²⁹⁵

A RETURNING CITIZEN'S PERSPECTIVE

Taylor's Story

Taylor recently returned to D.C. after four and half years in prison. Taylor grew up poor and was placed in foster care. She experienced major abuse and trauma throughout her childhood and marriage and continues to suffer from mental health barriers. Taylor has an anxiety disorder and post-traumatic stress disorder (PTSD), which were made worse through bullying from other prisoners. She felt the prison showed little concern with or capacity for treating her mental health conditions; however, she found a prison chaplain and a psychologist who were both caring and qualified people. Taylor entered a horticulture program that she found highly valuable. She was able to decide what to plant and how to help the plants grow best. It was not necessarily educational but rehabilitative and gave Taylor a sense of purpose when things were so bleak.

But as often happens in prison, Taylor was transferred to another facility, one where she was sexually molested and physically abused. However, she said there have been some positive aspects to her re-entry process. For one, she has found a good network of staff members in CSOSA that have supported her and helped her get back on her feet. She's also found a community in church, where she feels more comfortable opening up to people as they are open to giving her a second chance.

Re-entry service providers should be aware that someone with a mental health or substance use disorder may require more intensive services to help overcome or address these challenges. Taylor notes, "Returning citizens with mental illnesses have different needs—I don't need to be taught how to clean my house." Taylor's anxiety and PTSD still affect her daily life since leaving prison; "I feel like my mental illness cloaks me in shame, and I worry that I'm blackballed to get a full-time job in D.C." While Taylor's mental health has generally improved since leaving prison, it is still a struggle. She has been placed in local group therapy that meets three hours a week, but Taylor has found this unhelpful.

295 MPD. (n.d.). Cathy L. Lanier. Web. Retrieved from <http://mpdc.dc.gov/page/cathy-l-lanier>.

Promising Practices

A SMARTER APPROACH TO RE-ENTRY FOR PEOPLE WITH MENTAL ILLNESS IN OKLAHOMA

In 2005, with funding from the state legislature, Oklahoma launched the Oklahoma Collaborative Mental Health Re-entry Program (CMHRP) to better serve people with mental illness leaving the Oklahoma Department of Corrections (OK DOC). This collaboration between the Department of Mental Health and Substance Abuse Services (DMHSAS) and the OK DOC was originally funded for only six months, but after its initial success, the program was continued through a combination of support from the Oklahoma Department of Health, donations and grants. According to project director Donna Bond, the “savings well exceeded the cost.”²⁹⁶

This program was designed to offer a continuity of care for people with mental illness at selected state prisons through the use of specialized prerelease services followed by intensive postrelease case management. The services are intended only for offenders with mental illness most at risk for recidivating, and this past year, the program has served approximately 100 individuals, nearly all whom qualified within Oklahoma City and Tulsa counties, which constitute about 40 percent of the state’s population.

The Department of Health staff are co-trained for their work in the correctional facilities. “Prior to release,” said Donna Bond, “those within the mental health unit work with DMHSAS discharge managers to agree upon a community-based level of service, evaluate eligibility for benefits, facilitate conversations with the Social Security Insurance Administration and partner with the person being released to apply for Medicaid.” Case managers work with people due to be released on a monthly basis and conduct in-depth assessments “face to face,” which can either be in person or through a video conference call. Upon release, returning citizens engage with a case manager and certified peer recovery support specialist from the Re-entry Intensive Care Coordinating Team. This is to ensure they have connected with a community-based mental health care provider and followed up with benefits applications as well as with the goals and referrals made in the returning citizen’s mental health re-entry plan.

One integral part of the system is the use of the OK DOC’s classification system of mental illness levels to ensure people are getting the right services. A second important aspect is the cooperation and communication between CMHRP staff and Social Security disability benefits evaluators. This includes information sharing agreements that make mental health records more accessible and SSI training for CMHRP staff so they know how to determine eligibility. The result is an impressive allowance rate for public benefits of about 90 percent.

A third important component of CMHRP is its inclusion of probation and parole officers from Oklahoma City and Tulsa counties who are invited to CMHRP meetings so that, upon release, returning citizens with mental illness are placed with officers who are involved and knowledgeable about the program and its participants.

The CMHRP team is able to grow and mature through monthly meetings with guest speakers, usually program participants, who are an excellent source of feedback. Bond emphasizes that successful outcomes cannot just be measured in rearrests. CMHRP serves people with some of the highest rates of recidivism who have recidivated before; many who end up reoffending do so after a much longer time lapse than previously,

296 Data and/or information provided in this section are attributed to: Bond, D. (2015). *Personal interview with D. Bond, SMART Project Director & Manager of Criminal Justice, OKDOC.* (T. Velázquez, interviewer).

which is still considered a success. Greater outreach and more interactions with members of the outreach team lead to success. As well, the program permits participants to continue to get services as long as they would like, with the goal being for them to transition out naturally and into community-based programs. https://www.ok.gov/doc/Organization/Administrative_Operations/Health_Services/Mental_Health_Services/

A SERVICE PROVIDER'S PERSPECTIVE

An Interview with Tammy Seltzer, director, D.C. Jail & Prison Advocacy Project, Disability Rights D.C. at University Legal Services

When asked how re-entry is different for people with mental illnesses, Tammy Seltzer remarks, "I'm often reminded of a quote about Ginger Rogers, that she did everything Fred Astaire did, only backwards and in high heels."²⁹⁷

As director of the D.C. Jail & Prison Advocacy Project, Seltzer advocates for many justice-involved D.C. residents with mental illnesses, as well as people with other—or co-occurring—disabilities. Her experience has shown her that people with mental illness face the same barriers as other returning citizens, but they have additional challenges. First among these is the illness itself.

"Many people erroneously think medication is a magic bullet. But people with a serious and persistent mental illness are often symptomatic, even with medication. Someone involved in the supervision of one of our clients doubted he was taking his medication, though blood tests showed he was. The client heard voices every minute of every day. Imagine what it's like trying to navigate the world while hearing voices or having depressive thoughts telling you, 'why bother?'"

Many medications her clients take have side effects that can affect their success with re-entry. For example, some medications slow down thinking and reasoning, so it is harder for a person to follow directions. This might cause them to miss a meeting or to misunderstand what their supervision officer expects them to do. Or they may still have paranoia and anxiety, making it hard to take public transportation or go to meetings where they know they will be in close quarters with other people. This can be worse if someone has been in solitary confinement.

"Unfortunately," adds Seltzer, "people with mental illness are subjected to segregation, either for disciplinary reasons or for 'protection.'" Keeping them away from other people has very detrimental effects. This is true for anyone in solitary but especially so for people with mental illness. And many are being released directly to the streets after significant time in segregation."

Seltzer notes that people with mental illness on community supervision often have more

297 Data and/or information provided in this section are attributed to: Seltzer, T. (2015). *Personal interview with Tammy Seltzer, Director, D.C. Jail & Prison Advocacy Project, Disability Rights D.C. at University Legal Services*. (T. Velázquez, interviewer). Unpublished interview notes on file with CCE.

requirements, which can make it even more challenging to stay compliant with the terms of their release. For example, they may have special conditions for supervision, such as keeping appointments with mental health providers and staying on medications. They may not be able to work because of their disability, and even if they are considered “employable,” they may have more challenges getting hired.

As Seltzer explains, for people who can’t work, being declared eligible for Social Security disability benefits (SSDI) can take months or years. Best practices and Social Security regulations support prerelease applications, but BOP, halfway houses, and D.C. DOC generally do not assist individuals with disabilities in applying. ULS is the only legal service provider in the District that offers prerelease application assistance and their resources are limited. ULS’s assistance makes it five to seven times more likely that D.C. residents with mental illness will receive benefits than if they applied on their own.

People with a mental illness may also lack family support. People with a mental illness or co-occurring disorders may become estranged from their families due to past behavior, or other family members may also have serious mental health issues that keep them from being able to support the returning citizen.

When asked what things could be improved to help people with mental illness returning to the community from incarceration, Seltzer responded that these fall into two categories—linkages and preparation. Linkages include such services as Medicaid, Social Security benefits (SSI), mental health case management services and housing. “It’s about reducing obstacles and increasing the support... Everyone tells us how important it is for University Legal Services to reach into prison and help them. We try, when we can, to get folks linked [to services] before they get out. Everyone should leave prison knowing who their provider will be... There should be assessments that look at their needs. Do they have housing? Do they have someone to help them apply for Social Security disability benefits four to six months before release? It can take that long to receive a decision approving benefits.”

Another way to reduce the challenges of re-entry, Seltzer commented, is to keep more people out of the system in the first place. “We need to look at our treatment system and whether it is following a ‘housing-first’ model. Right now there are a lot of barriers; many housing providers require a person to be clean and sober for so many weeks before accepting them. We know it’s easier to become clean and engage in treatment when you have a safe and stable place to live.”

Seltzer believes modernization in terms of programming can also reduce justice involvement. People with co-occurring mental health and substance use disorders are most likely to go into the justice system, but the District lacks truly integrated treatment options. In her opinion, the District’s addiction treatment programs lean heavily on “personal responsibility” models popular 30 years ago rather than evidence-based practices such as medication assisted treatment. “As a result,” she observes, “important decision makers like judges, police and parole hearing examiners think treatment does not work, or worse, that returning citizens are not interested in recovery. Nothing could be further from the truth.”

In terms of people being re-incarcerated, ULS often sees its clients go back to prison or jail for failing to comply with the terms of supervision. CSOSA has begun making accommodations

for people with mental illness on supervision, but sometimes these come too late. For people returning to supervision, “you may not know their needs when they first come out. So it should be a continuous process of looking at what accommodations are necessary.”

But for people without disability accommodations like these, they may end up being revoked. As Tammy described, “Another client couldn’t stand to be around all those people [at the CSOSA office]. He’d sign in, pace around, and if he didn’t get to see his CSO within a few minutes, he would leave. That wouldn’t count as a face-to-face visit. Many people with mental health illness need to be greeted right away and seen within five minutes.”

Particularly because incarceration is so damaging for people with mental illness, reducing revocations for technical violations, i.e., sending someone back to jail for breaking rules, should be a priority. “There should be another mechanism or layer before someone is revoked,” Tammy said. “What else can we try, particularly when they haven’t committed a new offense? This is a lot about fear... fear that people with mental illness will be more dangerous or violent, even when we know this isn’t the case.”

Recommendations

This chapter has focused on the physical and mental health challenges that returning citizens face while incarcerated and upon their return to the community. Chronic illnesses commonly need proactive and aggressive treatment to maintain satisfactory health; without this, returning citizens are at risk for decompensating physically and mentally and for reoffending and being re-incarcerated. Returning citizens need and deserve better physical and mental health care and more modern and innovative treatment modalities. Based on the challenges we have described in the foregoing overview, we offer the following eight recommendations:

1. Research has shown that mental illness and substance use disorders require treatment that is coordinated among agencies and providers and is based on best practices. **The BOP, D.C. DOC and DBH should work together to improve the quality of substance use and mental health treatment so that care provided through their agencies, as well as through core service agencies and other community providers, is in line with evidence-based best practices.**
2. Research has also shown that mental illness and substance use disorders are frequently co-occurring and that people with these conditions often end up in the justice system. These two treatment systems are not well-integrated and, therefore, cannot adequately meet the treatment needs of this population. **D.C. government agencies should work together to increase the availability of integrated treatment for people with co-occurring mental health and substance use disorders, both while they are incarcerated and once they return to the community.**
3. Crisis intervention training for law enforcement officers is a good first step, but the District must also provide these officers with safe, cost effective options for assisting people with mental illness that do not unnecessarily end with incarceration. **The D.C. Council, MPD and DBH should collaborate to develop pre-arrest diversion programs for people with mental illness.**

4. Having a place to live makes a significant difference in a person's ability to feel safe and to comply with treatment. As also discussed in Chapter 3, the housing-first model that providers utilize for people who are homeless should become the standard for returning citizens. **Public and private sector service providers should ensure that people with behavioral and physical health needs who are homeless have housing that enables them to engage appropriate care upon release from prison or jail. This will require community needs assessments and to build sufficient capacity to meet those needs.**
5. Accessing benefits to which people are entitled is, at best, a confusing and frustrating experience, with more serious consequences for people with physical or mental illnesses. **D.C. government agencies responsible for health care-related benefits should ensure that people who have disabilities and chronic illnesses—including serious and persistent mental illness—face no gap in service coverage for either Medicaid or disability benefits. Furthermore, the BOP should send a weekly list of people being released from their facilities to the Department of Healthcare Finance to prevent gaps in Medicaid coverage and allow for medication and medical services not to lapse.**
6. Applying for benefits, either SSI or SSDI, can be a costly process in terms of obtaining medical records which are necessary to complete the application process. **The D.C. government should work with hospitals and other health care providers to create fee waiver or fee reduction programs for medical records requested by returning citizens or their service providers for the purpose of obtaining benefits.**
7. Community-based service providers know that flexible and innovative treatment approaches can make a difference in outcomes for their clients. **Supervision agencies should recognize that people with mental illness may have difficulty with strict compliance of rules of supervision and should craft a “problem solving” approach to supervision, in line with federal disability law, that creates accommodations to support the well-being of the individual while maintaining public safety.**
8. Handing someone a piece of paper with a name and phone number is often just not enough. **Public and private providers should expand the use of “warm hand-offs,” providing an introduction and connection to services rather than a referral that can be difficult for people with physical and mental health problems to follow up on independently.**

Women's Re-entry

Introduction

Women enter the criminal justice system often under different circumstances than men, with histories of abuse, mental illness tied to early life experiences, substance use disorders, economic and social marginality, homelessness or dysfunctional relationships.²⁹⁸ Beyond these very personal challenges, women returning citizens face the demands of raising children—often on their own. This chapter will examine the myriad circumstances, both nationally and locally, faced by women returning citizens, present promising practices by local service providers as well as model programs outside of D.C., and offer several recommendations to positively impact women's re-entry.

National Context

Nearly one-third of the world's incarcerated women are in the U.S. In fact, the U.S. has as many incarcerated women as the next three largest women-imprisoned populations combined: China (approximately 103,766), the Russian Federation (53,304) and Thailand (44,751).²⁹⁹ As of 2013, 205,400 women in the U.S. were incarcerated, representing about 9.3 percent of the nation's incarcerated people.³⁰⁰ Most of these women, except for the 5,361 women serving life sentences, will eventually re-enter the community.³⁰¹

Compared to men, the population of women in prison is low, although it has risen over the years from 1 in 20 of the total prison population in 1980 to about 1 in 11 today.³⁰² Women have consistently made up a greater proportion of jail populations, and this percentage has also been increasing, from 11.4 percent of people in jail in 2000 to 14.6 percent today. The average daily number of women in jail at mid-year 2014 was 109,100.³⁰³

Their offenses are also different than their male counterparts'. Twenty-four percent of women in state prisons are there for substance use violations, compared to 15 percent of men, and most women in state prisons have been

298 Bloom, B., Owen, B., & Covington, S. (2005). *Gender-Responsive Strategies for Women Offenders*. Washington, D.C.: DOJ., p. 5.

299 Walmsey, Roy. (2015, July). *World female imprisonment list (third edition)*. London: Institute for Criminal Policy Research.

300 *Ibid.*

301 Nellis, A., & Jean, C. (2013). *Life goes on: The historic rise of life sentences in America*. Washington, D.C.: The Sentencing Project.

302 Cahalan, M. (1986). *Historical corrections statistics in the United States, 1850-1984*. Washington, D.C.: BJS.

303 Minton, T. D., & Zeng, Z. (2015). *Jail inmates at midyear 2014*. Washington, D.C.: DOJ.

Returning Citizen's Voice

While in prison, Taylor dreamed of starting an organization to advocate for both those in prison and returning citizens who have their rights violated by unfair systems or incompetent professionals. She wanted incarcerated citizens to know their rights because as she noted, “people roll over because they can’t speak up.” Taylor’s organization is now called the *Who Speaks for Me Project*.

convicted of nonviolent offenses.³⁰⁴ Women make up more than one-quarter of all arrests, but they account for less than one-fifth of arrests for violent offenses.³⁰⁵ Many are arrested for crimes committed with or for someone with whom they have had a relationship.³⁰⁶ Given these very different circumstances and outcomes, women have their own specific needs and unique challenges related to re-entry.

There is growing consensus among service providers, advocates and criminal justice professionals that treatment for women should be different than that geared toward men, including how women re-enter the community. There are a number of reasons for this. First, as we indicated previously, women in prison have a much more extensive history of abuse than their male counterparts. This abuse spans physical, emo-

tional and sexual trauma that is sometimes linked to their justice involvement, especially participation in the drug trade and sex work.³⁰⁷ More than 57 percent of women in state prisons and 47 percent of women in local jails reported experiencing physical and/or sexual abuse prior to their sentences; by comparison, 16 percent of men in state prisons and 12.9 percent of men in jails report prior abuse.³⁰⁸

Second, incarcerated women have a higher prevalence of mental illness. Figure 16 shows self-reported mental health problems among men and women in prison and jail. “Recent history” includes a mental health diagnosis, an overnight stay in jail, taking medication or being in therapy for mental illness.³⁰⁹

304 Carson, E. A. (2015). *Prisoners in 2014*. Washington, D.C.: BJS.

305 Federal Bureau of Investigation. (2012). *Arrests by sex, 2012*. Online data set. Web. Retrieved from https://ucr.fbi.gov/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/tables/42tabledatadecoverviewpdf/table_42_arrests_by_sex_2012.xls

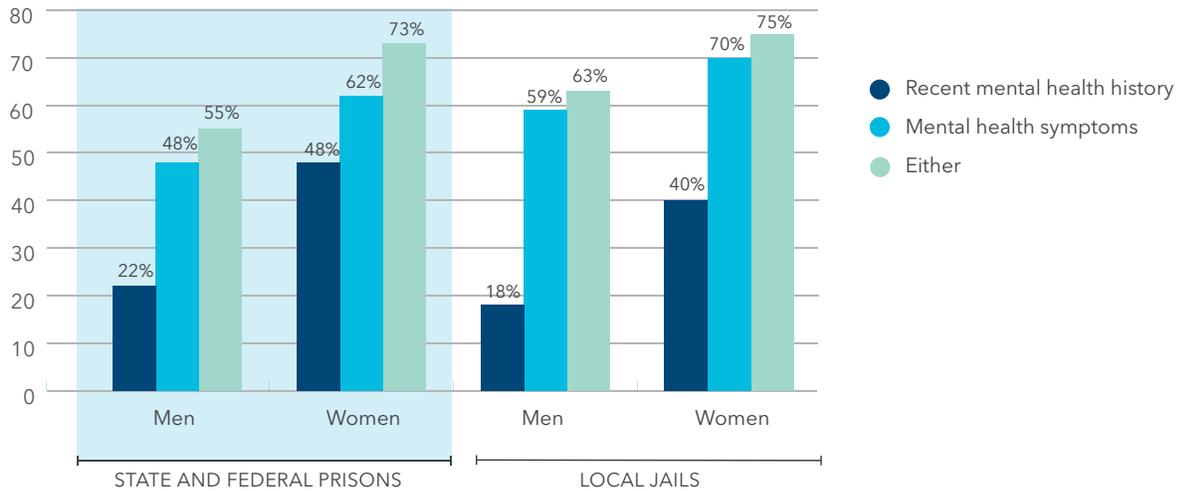
306 The Sentencing Project. (n.d.). Issues: Women. Web. Retrieved from <http://www.sentencingproject.org/issues/women/>

307 Modley, P., & Giguere, R. (2010). *Coaching packet: Re-entry considerations for women offenders*. Silver Spring, MD: Center for Effective Public Policy (CEPP).

308 Wolf Harlow, C. (1999). *Prior abuse reported by inmates and probationers*. Washington, D.C.: BJS.

309 James, D. J., & Glaze, L. E. (2006). *Mental health problems of prison and jail inmates*. Washington, D.C.: DOJ.

Figure 16: Self-reported mental health issues in prisons and jails, by gender³¹⁰



Third, women in prison are more likely to be parents and primary providers of minor children, significantly affecting their needs in terms of the re-entry process. In 2004, more than 3 in 5 women in state prisons (63 percent) were parents, compared with 51 percent of men.³¹¹ More than 64 percent of mothers reported living with their children in the month before or just prior to incarceration, versus 46.5 percent of fathers.³¹² Among parents in state prison who had lived with their minor children just prior to incarceration, almost three times as many mothers as fathers (77 percent compared to 26 percent) said they had provided most of their children’s daily care.³¹³ Additionally, while 9 in 10 children of men in prison continued to live with their mother during their father’s incarceration, only 28 percent of children of women in prison lived with their father instead of living with other family members or friends or in foster care.³¹⁴

Reuniting with and supporting their children is a pressing need for many women returning to the community. As one woman in a CCE focus group noted, “When probation is revoked, they don’t allow you to go home and deal with your children or housing before taking you into custody. Thank God for my support system. I would have been homeless without it.” Another woman noted her unique challenges of having special needs children and limited access to transportation. “I have a child with cerebral palsy and one with epilepsy. I have to use public transportation to get them around because I don’t have a car.” Teresa Hodge, incarcerated at the Federal Prison Camp, Alderson, a women’s minimum security prison, said, “I don’t think I would have made it if my daughter had been a child while I was incarcerated.”

Women returning to the community—not unlike men—have limited access to housing, transitional income and sustainable employment. Part of the difficulty stems from the countless requirements women returning

310 Glaze, L. E. & Maruschak, L. M. (2010, March 30). *Parents in prison and their minor children*. Washington, D.C.: BJS.

311 *Ibid.*

312 *Ibid.*

313 *Ibid.*

314 Berman, J. (2005). *Women offender transition and re-entry: Gender responsive approaches to transitioning women offenders from prison to the community*. Silver Spring, MD: CEPP., p. 4.

Returning Citizen's Voice

Teresa Hodge realized that to be successful, she needed to be self-employed. She first turned to eBay and learned how to make money by “thrifting and upselling clothing.” Recently, Hodge and her daughter formed Mission Launch, a nonprofit organization focused on leadership and personal development for returning citizens. Mission Launch provides many important services to boost interpersonal communications abilities.

Hodge’s organization has really taken off in the past year. They held a “Hackathon” at which they created tools to aid the re-entry process and more generally broaden the conversation among stakeholders in the community. This was followed up with a “Demo Day,” where the technology was shown to the public. They are now working with Baltimore to replicate this model.

Overall, Hodge identified the biggest issues facing the returning citizens she works with at Mission Launch as employment and housing. “You need an anchor, otherwise you unravel.” Hodge also identified the “digital divide” as another challenge for returning citizens. “Even the issue of social media can be tricky... when returning citizens start misusing social media, I tell them, ‘Don’t make more strikes against yourself.’” Hodge thinks that technology can also help returning citizens be seen as more than “ex-offenders.” She has adopted digital storytelling techniques to humanize the prison and re-entry experience. “If the community understands that we’re still people and have paid our debt to society, maybe they will be more inclined to give us a second chance.”

citizens—on probation, parole or some form of community supervision—must meet regarding employment, housing, welfare and child care while maintaining their health and a substance-free lifestyle. In addition, the earnings history of previously incarcerated women is often lower than that of men, which makes it even more difficult to provide for themselves and their families.³¹⁵

Over the past few years, the term “gender responsive” has come into greater usage in regard to criminal justice programming, reflecting an understanding that the criminal justice system cannot simply put women into programs that have been successful with men and expect the same results.³¹⁶ Programs must include provisions that acknowledge the frequent child care responsibilities of re-entering women, trauma and abuse experienced before and during incarceration, and specific mental and physical health and substance use conditions that disproportionately affect women. Many gender-responsive programs have been adapted that include the more open communication style of women, fit their greater focus on relationships and create an environment based on safety, respect and dignity.³¹⁷ Supervision programs are encouraged to create women-only caseloads and specially train officers so they can be more effective in helping their clients meet their obligations to society, their family and community.³¹⁸

D.C. Re-entry Landscape

The proportion of D.C. women in prison and jail is somewhat lower than the national rate. Of the estimated 5,000 D.C. Code offenders under BOP custody, approximately 4 percent, or 200, are women.³¹⁹ Women make up about 7 percent of

315 Modley, P., & Giguere, R. (2010). *Coaching packet: Re-entry considerations for women offenders*. Silver Spring, MD: CEPP.

316 Bloom, B., Owen, B., & Covington, S. (2005). *Gender-responsive strategies for women offenders*. Washington, D.C.: DOJ.

317 Modley, P., & Giguere, R. (2010). *Coaching packet: Re-entry considerations for women offenders*. Silver Spring, MD: CEPP, p. 16.

318 *Ibid.*, p. 28.

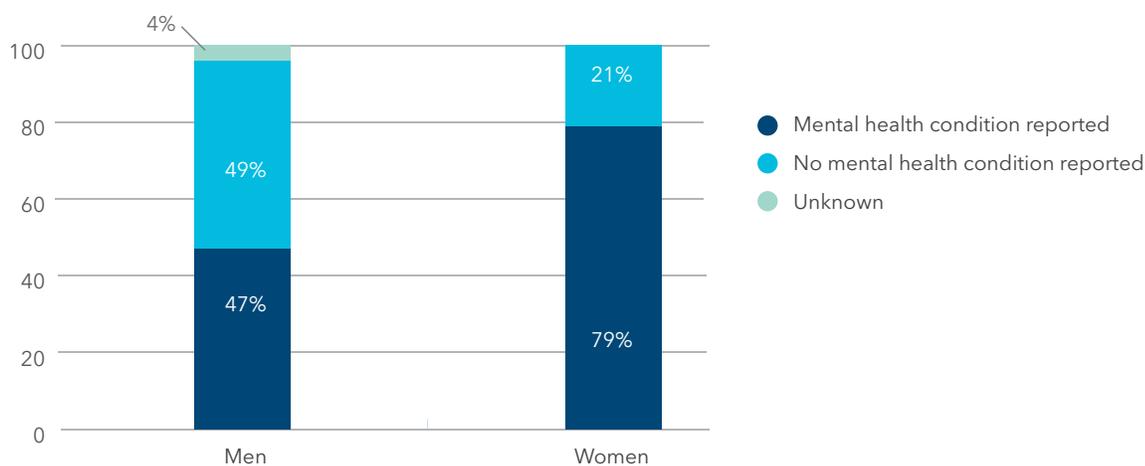
319 CSOSA. (2015). *November 2015 BOP census data*. Unpublished raw data analyzed by authors and on file with CCE.

the average daily population for the D.C. DOC.³²⁰ However, women tend to have a shorter average stay as compared to men—39 days—and so comprise about 10 percent of the intakes every year.³²¹ Women at D.C. jail facilities also tend to be older than men: 47 percent of men under D.C. DOC custody are 30 years of age or younger, as compared to only 31 percent of women.³²² Fifty-five percent of women are between the ages of 31 and 50, compared to only 38 percent of men.³²³

CSOSA data show a number of factors that reflect the special needs of women returning citizens. First, women on parole or supervised release in D.C. are more likely to have lower educational attainment than their male counterparts. This is reflected in 2015 data from CSOSA.³²⁴

In addition, women returning from prison to the District may be more likely to have an identified mental illness than their male counterparts. In 2015, while nearly half of men on parole or supervised release had an identified mental illness, Figure 17 shows that the incidence of mental health issues among women was higher at nearly 80 percent.³²⁵

Figure 17: Self-reported mental health status of people entering CSOSA supervision from prison in 2015, by gender



The challenges facing women on community supervision in D.C. also relate to their employment or employability, which is likely to be less than that for men. Figure 18 shows that employment of women returning citizens was particularly low in 2015.³²⁶

320 D.C. DOC. (2016, June). *D.C. Department of Corrections facts and figures*. Washington, D.C.: D.C. DOC.

321 CCE correspondence with R. Chakraborty, D.C. DOC, November 2, 2016.

322 D.C. DOC. (2016, June). *D.C. Department of Corrections facts and figures*. Washington, D.C.: D.C. DOC.

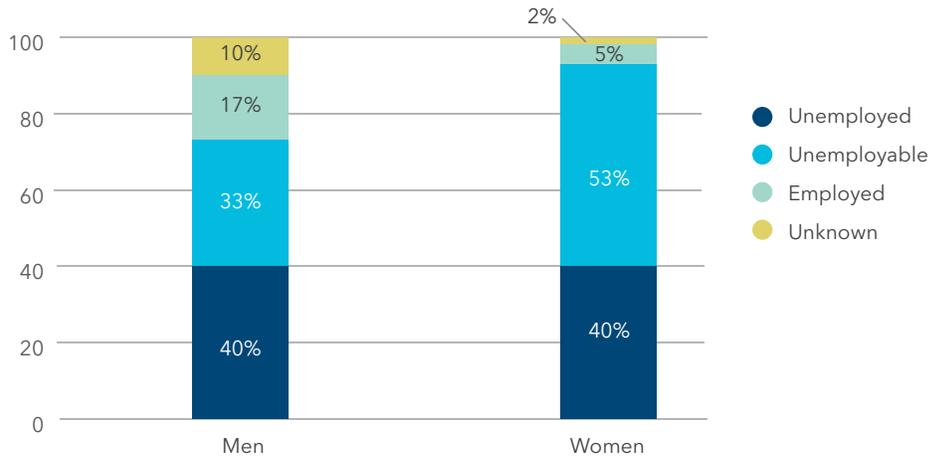
323 *Ibid.*

324 CSOSA. (2015). *Educational attainment of women in D.C. leaving correctional facilities*. Unpublished raw data analyzed by authors and on file with CCE.

325 CSOSA. (2015). *Percentage of women in CSOSA supervision with a mental health condition*. Unpublished raw data analyzed by authors and on file with CCE.

326 CSOSA. (2015). *Likelihood of supervised men to be employed over supervised women*. Unpublished raw data analyzed by authors and on file with CCE.

Figure 18: Employment status of people entering CSOSA supervision from prison in 2015, by gender



The one area of little variation between men and women has been in housing stability. The number of men and women in stable housing is roughly the same.³²⁷

Several of the women in CCE’s returning citizens focus group spoke to tensions between adhering to the requirements of community supervision and the particular challenges facing women. One focus group participant, who had been in D.C.’s Correctional Treatment Facility, stated, “Most of us here are back inside because our probation was revoked. Officers are not very understanding that we are trying to go to school, work, have children and thus can’t make every meeting. As a result, our probation gets revoked.”

Returning Citizen's Voice

“I never had the chance to raise my kids.”

—Anonymous returning citizen

Other women spoke to how they may miss scheduled treatment appointments because they have to care for a sick child. If a woman cannot get a job that pays enough to support her family, she may turn to making money illegally. Others talked about being required to be enrolled in a program near where a former abuser lives and the re-traumatization caused by having to go there. Others spoke to the difficulties of safe, affordable housing and feeling there is no choice but to go

back to a former partner or abuser, despite the risks involved and the trauma of considering the outcomes.

In spite of these many setbacks and challenges, several organizations are doing work that has had a positive effect on women returning citizens. This section will highlight two local programs as well as two from other jurisdictions.

The Voices of Local Service Providers

VOICES FOR A SECOND CHANCE

Many women make Voices for a Second Chance (VSC), a D.C. community-based nonprofit, their first stop

327 CSOSA. (2015). *Comparisons of housing stability for male and female reentrants on supervision*. Unpublished raw data analyzed by authors and on file with CCE.

after release. Paula Thompson Felder, VSC's executive director, and Michelle Sermon, VSC's program and case management coordinator, have seen first-hand the challenges many women face following incarceration.

According to Sermon, "the system isn't designed for women." Many aspects of the current criminal justice system and re-entry do not set up women for success. Sermon and Felder emphasize that the women they see who do succeed often do so because they have built a positive relationship with the staff or with formal groups of other returning women. These relationships can help women build self-confidence, express their feelings and feel valued.

Felder described how younger returning women are often unrealistic about their recidivism. They do not realize that they have to make major changes to their behavior to stay out of jail or prison. It takes commitment to stop using drugs and consistently engage in mental health treatment, which typically requires safe spaces where women can build supportive relationships. She described how women often seek group therapy upon their re-entry similar to that which they had in prison, but struggle to find it because there are so few community-based programs. <http://www.vscdc.org/>

CONSULTANTS FOR CHANGE

Ashley McSwain has worked in women's re-entry in the District for many years, including with Our Place D.C., Consultants for Change (C4C) and currently Community Family Life Services. She stressed the need for continuity in services for women; women not only need various resources but also follow-through during the entire process. Similar to VSC, McSwain emphasized that "women need a relational approach" and a supportive environment for their reintegration.

Women also face unique difficulties in acquiring stable housing. Katrina Cheshier and Sara Mullen, who worked with McSwain at C4C, noted that C4C had two housing partners that serve single women, but about 25 to 30 percent of the women they see have custody of children. This leaves a quarter of the women they see without a viable housing option. There is also a lack of understanding that time limits on housing are not conducive to successful re-entry. For a woman in transitional housing, trying to get everything in their lives settled—including their kids, a job, education, identification—and having to find another place to live can just add to that stress.

Some places replicate jails or prisons without even knowing it, starting off as a place of distrust. Shelters are also a poor option for women: Having to line up at 7:00 p.m. every night to find a bed, to worry about what they are going to do during the day and who they are sleeping next to can be stressful and traumatizing. While women may have a criminal record, they are often victims as well.

For several years, C4C received funding from the Justice Grants Administration to manage a women's re-entry initiative. This allowed C4C to visit D.C.'s CTF every week to meet with women and provide services, access to resources and guidance through intensive case management. They worked to ensure success, following the women's release from custody, by meeting them in the community to provide a seamless bridge to community support, but they cannot provide all the needed services. C4C indicated one particularly vital need was trauma

Returning Citizen's Voice

"I have been in and out of jail since I was 22. Tomorrow I will be 41. My son sent me a card and in it he said, 'Let's do this together.' I want to keep my freedom this time."

services, estimating that 85 percent of their clients are survivors of trauma.

Regarding family responsibilities, C4C noted that upon release, women are expected to come back and immediately reassume the role of head of the household. They have more expectations regarding family, compared to men returning, and may have fewer family supports to help them get back on their feet. C4C has also seen women caught between the demands of employers and the requirements of supervising agencies. Being successful while on supervision requires a major commitment of time and effort. There are fines to be paid, mandatory meetings to attend during the work day, required drug testing often several times a week, and paper work to complete. And these demands compete with women's equally important obligations as caretakers and employees. "It sounds like we are making excuses for them, but this is just their reality," noted McSwain. <http://www.consultants4change.com/>

Other Promising Practices

JUSTICEHOME

In 2013, the Women's Prison Association (WPA) in New York City opened JusticeHome, which allows women to remain in their own homes while they are meeting criminal justice mandates. The intensive approach of JusticeHome is modeled after a child welfare visitation program with which WPA has had more than a 10-year track record. The program strengthens a family's ability to function—that is, be nurturing to children and able to cope with life's stresses—while reducing maternal drug use and improving management of mental illness.

According to Gloria Lerner, the director of WPA, "JusticeHome is an especially welcome opportunity because so many justice-involved women have housing, parenting and mental health needs that can be addressed at their root in ways that build up women and their families. By contrast, women leaving prison are often homeless upon release and must struggle with subsistence needs before they can even begin to address parenting, mental health or other issues that contributed to their criminal involvement."

<http://www.wpaonline.org/services/alternative-to-incarceration>

THE DREW HOUSE PROJECT

The Drew House Project in Brooklyn, New York, is another example of an innovative program. Instead of serving time in prison, women go to a supervised residential facility where they can live with their school-age children who otherwise would have been placed in foster care. While there, the women must meet a variety of obligations, including paying rent and following house rules. At the same time, they receive help with parenting, addiction and becoming financially stable. In a news story about the program, The Drew House Project's founder reported that at \$34,000 per year for a mother and two children, it is much more cost effective than the approximately \$129,000 in taxpayer dollars that would have been spent on prison and foster care.³²⁸

<http://www.housingplussolutions.org/sunflower-houses/family-ati-drew-house/>

328 Robbins, L. (2011, September 21). Staying with children, and out of prison. *The New York Times*.

Recommendations

This chapter has focused on the unique challenges faced by women returning citizens nationwide and in the District of Columbia, from greater trauma and abuse as circumstances often leading to their involvement in the criminal justice system to the demands they face not unlike all women regarding child care, housing and employment. Women need and deserve treatment and other programs designed to help them help themselves. Based on the challenges we have described in this chapter we offer the following seven recommendations:

1. Women returning citizens have limited access to sustainable employment and tend to earn less than their male counterparts. **The BOP should invest in programs that provide re-entering women with job preparedness, training and experience and should remunerate women fairly for the work they perform.**
2. Women in prison are more likely to be parents and primary providers of minor children. Maintaining ties with their children is key to successfully re-entering the community upon release. **The BOP should facilitate access to all forms of family visitation while women are incarcerated, including collaborating to organize trips to out-of-state facilities, housing women closer to D.C. and video conferencing visitation, and in consultation with the D.C. DOC should consider keeping all women D.C. Code offenders incarcerated in D.C. for the duration of their sentence.**
3. Women returning citizens, much like their male counterparts, have limited access to transitional income, although women still tend to serve as the primary caretakers of their children. **The D.C. government and WMATA should consider providing free public transportation to women returning citizens until they are more stabilized in terms of income and other benefits.**
4. Although women and men on parole and supervised release to the District have been shown to have similar rates of housing stability, women still face enormous challenges to find safe, affordable housing. **DCHA, DHCD, the D.C. DOC and service providers should collaborate to increase housing options and ensure that such options do not replicate the traumatizing experience of prison and jail.**
5. Women face myriad tensions between adhering to the requirements of community supervision while attempting to work, go to school and take care of their children and themselves. **PSA, CSOSA and the USPC should re-evaluate the terms of supervision for women so that they are not unnecessarily re-incarcerated for violations that disrupt their ability to care for family and maintain stable housing and work.**
6. Women returning citizens have a greater prevalence of mental health problems than their male counterparts. **The D.C. DOC and DBH, in collaboration with public and private sector service providers, should increase options for therapy and mental health services in and outside of the jail.**
7. Trauma and abuse are more common among women, prior to and during their incarceration. Moreover, gender-responsive programming has become more widely recognized among criminal justice professionals as more effective. **The BOP and the D.C. DOC, in collaboration with public and private sector service providers in D.C., should train staff at all levels on trauma-informed care, as well as increase access to trauma-informed programming at correctional facilities and within community-based organizations.**

Re-entry for Young Adults

Not unlike women returning citizens with unique circumstances and needs, youth who enter the criminal justice system have particular characteristics and face special challenges. This chapter will explore those challenges, including their disproportionate rates of arrest, incarceration and recidivism, provide an overview of disconnected youth in the District of Columbia, and describe what efforts are being done—or could be done—to alleviate the situation.

National Context

Nationwide, young adults are disproportionately represented in the justice system. As of 2013, they comprised 10 percent of the U.S. population but accounted for nearly 30 percent of people arrested for both serious and nonserious crimes; in 2012, they comprised more than 21 percent of admissions to adult state and federal prisons; and recidivism rates for young adults released from prison have been significantly higher than for other age groups.³²⁹ Given this disproportionality, finding ways to improve re-entry following justice system involvement could pay significant dividends both in terms of public safety and improved outcomes for young adults, their families and the community.

Improving outcomes for young adults who have been incarcerated or otherwise justice-involved depends on strategies that are responsive to their unique needs. Science suggests that delineating the end of adolescence and the beginning of adulthood at one's 18th birthday is artificial, as there is no one moment or age at which all people can be said to have reached full maturity. Research has shown that people's brains do not mature completely until their mid-20s.³³⁰ This is played out in the higher incidence among young people between the ages of 18 and 24 of risk-taking behavior, such as driving while drunk, riding with an intoxicated driver and using illicit drugs.³³¹

329 The Council of State Governments Justice Center (CSGJC). (2015). *Reducing recidivism and improving other outcomes for young adults in the juvenile and adult criminal justice systems*. New York: CSGJC.

330 Massachusetts Institute of Technology (MIT). (n.d.). Young Adult Development Project. Cambridge, MA: MIT Center for Work, Family & Personal Life.

331 Dayan J, Bernard, A., Olliac, B., Mailhes, A.S., & Kerrmarrec, S. (2010, November). Adolescent brain development, risk-taking and vulnerability to addiction. Paris: *The Journal of Physiology*, 104(5), pp. 279-286.

D.C. Re-entry Landscape

Population estimates for 2014 show that about 80,400 young adults, between the ages of 18 and 24, resided in the District of Columbia and accounted for 14.8 percent of the adult population.³³² Beginning with arrests, young adults in D.C. nearly mirror the national data, making up 27 percent of all arrests in 2013,³³³ with the most frequent arrest charges for drug offenses.

Regarding their rates of incarceration, young adults comprised 2,270 out of 10,603 total bookings in 2014 by the D.C. Department of Corrections.³³⁴ Approximately 17 percent of incarcerated women and 21 percent of incarcerated men were between the ages of 18 and 24 at the time of their commitment to the D.C. DOC. As of July 2016, 31 percent of all incarcerated women were 30 years or older and 47 percent of all incarcerated men were age 30 or younger.³³⁵ During this same time period, the most common charges for young adult women in custody at the D.C. Jail were aggravated assault and burglary/robbery (each 13.6 percent), while for young adult men in custody, the most common charges were burglary/robbery/carjacking (21.2 percent) and assault/stalking (18.9 percent); see Figure 19.

ONE YOUNG RETURNING CITIZEN'S PERSPECTIVE ON RE-ENTRY

Kales is a 23-year-old who has recently returned to D.C. from a BOP facility. He said that he is upbeat about his future, particularly due to the support he's received since his return.

"Not giving up on yourself," he said is what he finds most important. "You know you'll have struggles, and it'll always be hard, but perseverance will get you by."

He said that, in some ways, it can be harder to be an older returning citizen. For example, adjusting to technology will be hard for them, as will reconnecting with a family with whom they've lost touch. He also sees his youth as a selling point for an employer.

In terms of what has been most useful to him, he points to Free Minds Book Club and Writing Workshop. "I could spend two hours telling you all the great things they do," Kales said. He believes the organization's positive energy, its belief in him and its willingness to help him with a spectrum of needs has made a tremendous difference in his life.

Like many other returning citizens, Kales is highly critical of Hope Village, calling it "the worst transition experience you could ever have."

Kales feels that there needs to be more safety nets for young adults when they are leaving

332 USCB. (2014). *American fact finder*. Web. Retrieved from Factfinder.census.gov: http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_1YR_S0101&prodType=table. Percentages calculated by authors.

333 MPD. (2015). *Arrest rates of young adults in D.C.* Unpublished raw data analyzed by authors and on file with CCE.

334 D.C. DOC. (2015). *Rates of incarcerated young adults in D.C.* Unpublished raw data analyzed by authors and on file with CCE.

335 D.C. DOC. (2016, June). *D.C. Department of Corrections facts and figures*. Washington, D.C.: D.C. DOC., p. 12.

prison. “A system that guarantees a job placement upon release would be most beneficial, as that’s where people fall through the cracks.” He also suggested making the D.C. Metro free to returning citizens for a period of time.

Kales said he would like to continue his education and get a GED certificate, but “I have a child and a lot of other things going on right now.” He also said that more apprenticeship programs are needed. He is currently working for Clean Decisions, which hires only formerly incarcerated people.

In terms of giving back to the community, Kales said he and other younger returning citizens have a lot to offer. “The juvenile facility should get people my age or even younger to go speak to these kids. Guys in their 30s or 40s, they’re not going to want to hear from them. But someone my age—maybe someone they were even housed with at some point—for them to say, ‘Hey, he’s got a job. He’s doing good.’ Not everybody’s going to listen, but if it’s a crowd of 12 and we change three—it would be worth it.”

Many young adults who are arrested do not remain in jail and instead are placed under the supervision of the Pretrial Services Agency (PSA). During 2013, PSA supervised approximately 5,450 young adult defendants, or 27 percent of all adults that the agency supervises. For people convicted and incarcerated, upon release they are placed under CSOSA supervision. During FY2014, of the 20,863 people under CSOSA supervision, 18 percent were aged 18-24.³³⁶

The only part of the D.C. criminal justice system in which 18- to 24-year-olds are not overrepresented is prison. According to the BOP, about 12.4 percent of D.C. Code offenders held by the BOP are between 18 and 24 years of age.³³⁷

336 CSOSA. (2015). *Community supervision program: Annual performance budget request, fiscal year 2016*. Washington, D.C.: CSOSA.

337 BOP. (2015, February). *FOIA request response*. Unpublished raw data analyzed by authors and on file with CCE.

Figure 19: Charge distribution for D.C. Code offenders in custody who were aged 18-24 at intake, by gender³³⁸

WOMEN		MEN	
Aggravated assault	13.6%	Assault / stalking	18.9%
Bail Reform Act violation	4.5%	Burglary / robbery / carjacking	21.2%
Burglary / robbery	13.6%	Disorderly / vice	1.4%
Carjacking	4.5%	Drug offenses	4.2%
Conspiracy	9.1%	Failure to appear	3.1%
Contempt	9.1%	Fugitive	0.6%
Escape	4.5%	Homicide / conspiracy / kidnapping	8.6%
Fugitive	4.5%	Other crimes	2.8%
Parole violation	9.1%	Parole or release violation	7.2%
Robbery	9.1%	Property crimes	11.4%
Sex offenses	4.5%	Sex abuse / rape	2.8%
Stalking	4.5%	USDC commitment	7.2%
USDC commitment	4.5%	Weapons	7.5%
Vandalism	4.5%	Writ / US witness	3.1%
TOTAL	100%	TOTAL	100%

Despite being the agency responsible for juvenile justice, most people under the custody of the D.C. Department of Youth Rehabilitation Services (DYRS) are also young adults, not children. In FY2015, 74.9 percent of youth committed to DYRS were 18 or older.³³⁹ This is because juveniles committed to DYRS can remain under its supervision, either in a facility or in the community, until they turn 21. In 2014, 44 percent of the population at New Beginnings, the facility in which D.C. juveniles are incarcerated, were 18 or older.³⁴⁰

D.C.'s young adults also have high rates of recidivism. During FY2014, 28.8 percent of young adults under CSOSA supervision were rearrested; 507 violent arrest charges were ascribed to those rearrested, and 513 young adults who had their community supervision revoked and were subsequently re-incarcerated.³⁴¹ In comparison to older adults, research has shown that returning citizens who recidivate are more likely to be younger—27.5

338 D.C. DOC. (2015). *Rates of incarcerated young adults in D.C.* Unpublished raw data analyzed by authors and on file with CCE.

339 Department of Youth Rehabilitation Services (DYRS). (2016). *Council of the District of Columbia Committee on the Judiciary Performance Oversight Hearing, pre-hearing questions and answers.* Washington, D.C.: Council of the District of Columbia.

340 DRYS. (2016). *DYRS census data.* Unpublished raw data analyzed by authors and on file with CCE.

341 Charges may not represent individuals, as one person may receive more than one charge.

percent of people rearrested in the District while on supervision were age 25 or younger.³⁴² This is in line with national statistics. A 2002 study by the Bureau of Justice Statistics showed that of all adults who had been in state prison, people in the 18- to 24-year-old age bracket had the highest rates of re-arrest (75.4 percent), reconviction (52 percent) and return to prison with a new sentence (30.2 percent) within three years of release.³⁴³

CHARACTERISTICS OF JUSTICE-INVOLVED YOUNG ADULTS

Young adults in the D.C. criminal justice system are demographically similar to the overall justice-involved population—overwhelmingly black and mostly male. For people on CSOSA supervision (probation or supervised release post incarceration), 90 percent are black, about 4.4 percent are Latino and 4 percent are white.³⁴⁴

Other parts of the system show similar racial and ethnic statistics for young adults, ages 18 to 24: 85.7 percent of arrestees in 2015 were black, 5.3 percent were Latino and 7.5 percent were white.³⁴⁵ For young adults in DYRS custody as well, recent data show that 100 percent are black.³⁴⁶

In terms of gender, most justice-involved young adults are male: 2015 data show that young men comprised 79 percent of those arrested, 90.1 percent of bookings at the D.C. Jail, 98.8 percent of D.C. Code offenders in BOP facilities and 83.6 percent of those under CSOSA supervision.³⁴⁷

CSOSA data also indicate that educational attainment is low among justice-involved young adults. Forty-four percent of people under CSOSA supervision do not have a high school degree, 39 percent have a GED or high school diploma and only 11 percent have some postsecondary education.³⁴⁸

FOCUSING ON THE NEEDS OF YOUNG ADULTS

Young adults who have been involved in the justice system need specialized programs that recognize developmental differences between them and their adult counterparts. One such program, the Young Adult Initiative, which CSOSA is piloting, uses enhanced case management strategies to tailor supervision plans for young men under CSOSA control.³⁴⁹ The initiative provides “streamlined access to programs and interventions; engage[s] the young adult offender and associated [Community Supervision Program] partners earlier in the case management process; and uses[s] routine interactions as opportunities to enhance motivation and reinforce pro-social behavior.”³⁵⁰

Another opportunity to reach young adults is while they are in the D.C. Jail. However, most periods of incar-

342 CSOSA. (2015). *Community supervision program: Annual performance budget request, fiscal year 2016*. Washington, D.C.: CSOSA., p. 4. This estimate is based on all offender entrants, not just those entering on parole or supervised release.

343 Patrick, A., & Langan, P. D. (1994). *Recidivism of prisoners released in 1994*. Washington D.C.: BJS.

344 CSOSA. (2015). *Demographics of justice-involved youth in D.C.* Unpublished raw data analyzed by authors and on file with CCE.

345 MPD. (2015). *Demographics of arrested youth in D.C.* Unpublished raw data analyzed by authors and on file with CCE.

346 DYRS. (2016). *Youth population snapshot*. Web. Retrieved from <http://dyrs.D.C..gov/page/youth-snapshot>.

347 CSOSA. (2015). *Demographics of justice-involved youth in D.C.* Unpublished raw data analyzed by authors and on file with CCE.

348 *Ibid.*

349 CSOSA. (2015). *FY2016 budget request summary statement & frequently asked questions (FAQs)*. Washington, D.C.: CSOSA.

350 *Ibid.*, p. 22.

ceration in the D.C. DOC are short in length.³⁵¹ While several incarcerated young adults are there long enough to engage in a variety of programs that could assist them upon release, it can be challenging to develop a program that fits the need of every person housed at the jail. For example, 2 out of 3 people who are in custody at D.C. DOC for more than 120 days are awaiting transfer to a BOP facility where programming may be different. For the remaining third, release dates vary, which can make programming more difficult to develop and implement.³⁵²

As with other D.C. Code offenders, young adults are incarcerated at BOP facilities hundreds or thousands of miles away from D.C. The BOP has already shown some willingness to consider alternatives. For example, some people under BOP have been transferred back to the D.C. DOC to allow them to better plan for re-entry. D.C. could consider working with the BOP to allow young adults to remain at a D.C. DOC facility for the entirety of their sentences. This would allow young adults up to 22 years of age to access any special education services they are entitled to but which are not provided at the BOP. Remaining local would also help the young adults to maintain and build connections with family, mentors and other supports who will help them when they transition back to the community.

REDUCING COLLATERAL CONSEQUENCES

While D.C. has made important strides to reduce collateral consequences faced by returning citizens through its Ban the Box legislation, covered in Chapter 4, significant barriers remain. These can make re-entry difficult for all returning citizens, but for a young adult, these come at a critical time when job and educational opportunities can have the biggest impact.

D.C.'s Youth Rehabilitation Act (YRA) is one tool for reducing these barriers.³⁵³ Under this act, qualifying young adults under 22 years of age who have completed their sentence have the opportunity to “set aside” their conviction record, allowing them to seek employment or apply to school without having to disclose their conviction record, although they are required to disclose their arrest record if asked. At the time of conviction, juveniles and young adults under the age of 22, whom the judge determines may benefit from rehabilitation, are eligible for sentencing under the YRA for any crime except murder or a second crime of armed violence. However, set-asides are more difficult to obtain when the nature of the crime is more serious. Furthermore, even if a previous conviction has been set aside, it can be taken into account when considering sentences for subsequent crimes and for registration of sex offenders.³⁵⁴

INCREASING THE AGE OF JUVENILE COURT JURISDICTION

Additional reform efforts could involve raising the age of juvenile court jurisdiction in the District of Columbia. Other jurisdictions have made bold propositions in this regard. In 2015, the governor of Connecticut

351 See generally, D.C. DOC. (2016, June). *D.C. Department of Corrections facts and figures*. Washington, D.C.: D.C. DOC.

352 CCE correspondence with R. Chakraborty, D.C. DOC, November 2, 2016.

353 D.C. Code §24-901-906. (1985).

354 Mendelson, P. (2014, October 10). *Report on Bill 18-963, Criminal Code Amendment Act of 2010*. Washington, D.C.: Council of the District of Columbia.

recommended increasing the state's jurisdiction from 17 to 20 years of age.³⁵⁵ The governor also recommended allowing low-risk young adults aged 21 through 25 to have their cases heard confidentially, their records sealed and the opportunity to have those records expunged. Connecticut had already raised the maximum age of juvenile jurisdiction from 16 to 17, and while some feared crime would rise when older teens were transferred to the juvenile justice system, the state's prison population dropped to a 17-year low. In fact, Connecticut's more rehabilitative juvenile justice system has been credited with giving young people a "second chance" by not having their law-breaking behavior become part of a permanent criminal record.³⁵⁶

Germany and Sweden offer additional examples of Western democratic countries that have responded to juvenile crime. In Germany, all young adults age 18 to 20 who commit a criminal offense are tried and sentenced in juvenile court.³⁵⁷ The court then makes the decision whether to sentence the young adult based on juvenile or adult law. Generally, if the young adult was, at the time he or she committed the crime, believed to be in a state of mind more similar to a juvenile than to an adult, he or she is sentenced according to juvenile law. If the young adult is sentenced under adult criminal law, immaturity can still be taken into consideration when determining a sentence. About two-thirds of young adults are sentenced as juveniles, and it is typically the least serious offenses, such as traffic violations, that are handled under adult criminal jurisdiction. Germany's model is supported by the Council of Europe's Committee of Ministers.

In Sweden, laws governing criminal sentencing consider the maturity of juveniles and young adults. People younger than 15 cannot be prosecuted or criminally sanctioned, regardless of the crime. Although youth between the ages of 15 and 20 can be prosecuted and sentenced for their crimes, they are nevertheless treated differently within the criminal justice system due to their age. Under the age of 21, statutory minimums can be ignored completely. For minors and young adults, ages 15 to 20, a fine can be substituted for short prison sentences, the amount of which is also dependent upon the person's age. Furthermore, prison sentences in Sweden are proportional to age. If someone is 15 years old at the time he or she committed the crime, the prison sentence will be one-fifth of the "normal term." People who are 16 years old receive one-fourth of the normal sentence, and people up to 20 years of age receive three-fourths of the normal sentence.³⁵⁸

The District of Columbia should consider raising the age of the juvenile court's jurisdiction, which would have the effect of incarcerating young adults locally under DYRS's jurisdiction rather than sending them to BOP facilities far from home. This would permit the District to provide the types of services that have been shown to be effective; keep young



CARLOS TYLER
Returning Citizen

355 Office of Governor Dannel P. Malloy. (2015, November). *Gov. Malloy Launches Conversation on Expanding 'Second Chance Society' Initiatives in Connecticut*. Press release. Hartford, CT: Office of Governor Dannel P. Malloy.

356 *Ibid.*

357 Collins, J. & Lousley, G. (2011, July). *Sentencing young adults: Getting it right*. London: Criminal Justice Alliance., p. 7-8.

358 Transition to Adulthood Alliance (T2A). (2011, September). *Young adults and criminal justice: International norms and practices*. London: T2A.

people connected to families, education and positive community supports; and allow for more seamless re-entry planning for the period following commitment.

The District should also capitalize on its experience with effectively supervising young adults.³⁵⁹ As mentioned earlier, DYRS already supervises many 18- to 20-year-olds;³⁶⁰ many in this age range are under CSOSA supervision (including 37 under the age of 18);³⁶¹ and approximately 43 percent of incarcerated people at D.C. DOC are men between the ages of 18 and 30.³⁶² While a transition to keeping more young adults supervised in D.C. would be complicated, there are individuals with experience working with this population in a juvenile justice setting that would make the transition more feasible.

Scientific research lends credence for such transition efforts. As previously indicated, neuroscience research has shown that people's brains are still developing well past age 18. This development can be even further delayed by adverse childhood experiences. Studies have shown that childhood PTSD causes delays in brain maturity, which is more pronounced in boys.³⁶³ Exposure to trauma has also been linked with both juvenile and adult justice system involvement.^{364, 365} The juvenile justice system, inherently focused on rehabilitation, could help break cycles of violence and allow young adults to move beyond past traumatic experiences. In terms of re-entry, keeping young adults in D.C. and starting more intensive programming could facilitate the creation of systems of care that continue after a young adult is no longer under the supervision of the court.

Promising Programs

D.C.'S RE-ENGAGEMENT CENTER

In 2014, the D.C. Office of the State Superintendent of Education (OSSE) opened a Re-engagement Center (REC) to reconnect older teens and young adults, ages 16 to 24, with educational programs. According to OSSE, an estimated 7,500 young people in the District, or 14 percent of people between the ages of 16 and 24, have not received a high school or GED certificate and are not currently enrolled in school. While not specifically focused on justice-involved youth, such a center could play an important role in helping younger returning citizens. Despite more than a half million dollars in funding in the first year, the REC has reached only a fraction of the target audience, successfully reconnecting only 203

359 The various criminal justice agencies in the District have their own definitions of "young adults." For example, CSOSA refers to "young adults" as people aged 25 and younger (see generally <http://www.csosa.gov/about/plans-reports/csosa-strategic-plan-fy2014-fy2018.pdf>). Given the range of ages outlined in various agency definitions, it is difficult to ascertain tangible cross-agency data of young adult re-entry in D.C.

360 The Court Social Services ("CSS") is responsible for supervising juveniles who have been placed on probation or have otherwise been committed to DYRS. For more information, see generally <http://dyrs.D.C..gov/page/D.C.s-juvenile-justice-system>.

361 CSOSA. (2016). *FAQs: Offender population: Does CSOSA supervise juvenile offenders?* Web. Retrieved from <http://www.csosa.gov/about/faqs/offenders.aspx>

362 D.C. DOC. (2016, June). *D.C. Department of Corrections facts and figures*. Washington, D.C.: D.C. DOC.

363 DeBellis, M. D. & Keshavan, M.S. (2003). Sex differences in brain maturation in maltreatment-related pediatric posttraumatic stress disorder. *Neurosci Biobehav Rev.* 27(1-2), 103-117.

364 Milaniak, I. & Widom, C.S. (2015, July 1). Does child abuse and neglect increase risk for perpetration of violence inside and outside the home. *Psychol. Violence*, 5(3), 246-255.

365 Gibson L.E., Holt, C., Fondacaro, K.M., Tang, T.S., Powell, T.A., & Turbitt, E.L. (1999). An examination of antecedent traumas and psychiatric comorbidity among male inmates with PTSD. *J Trauma Stress*, 12(3), 473-484.

youth to an education program in its first year.³⁶⁶ The project is being evaluated and is planning to expand. <http://osse.dc.gov/service/dc-reengagement-center>

NEW YORK CITY'S YOUNG ADULT JUSTICE SCHOLARS PROGRAM

As D.C. looks for ways to reconnect justice-involved young adults with education, it might consider the New York City Young Adult Justice Scholars Program. Run in collaboration with a number of community organizations, eligible individuals are those between the ages of 16 and 24 who have had court involvement within the year prior to enrollment.³⁶⁷ Individuals are selected based on referrals from defense attorneys, probation officers, individuals working directly with youth transitioning out of juvenile institutions and community organizations. The six-month program offers assistance with school enrollment, GED preparation, college applications and tutoring.

With the recognition that young people also need an array of other services, a case manager is assigned to each justice scholar, and other services—such as employment training and internship and job placement—are provided.³⁶⁸ Youth also learn about their legal rights in an effort to reduce barriers to future education and employment. Moreover, participants receive stipends or incentives in support of workforce engagement, sustained community participation and achieving milestones.³⁶⁹

http://www.nyc.gov/html/prob/html/young_men/programs.shtml

Returning Citizen's Voice

As one returning citizen in CCE's focus group said, "As a youth in the BOP system, there were a lot of certification programs, such as college, trades and so forth. Whereas [in D.C.], they have a food service certificate but not a food manager certificate. So you're looking at a \$10- to \$15-an-hour job rather than a \$30-an-hour job. There were are no college courses here either, so I couldn't take any classes... that would have been good to have."

Recommendations

This chapter has demonstrated that many young adults are likely to be dealing with the challenges that played a role in their initially becoming involved in the justice system, including ineffective education, lack of positive adult role models and few opportunities to gain job skills or experience. In an effort to advance reform efforts to improve the District's handling of youthful offenders, we offer the following five recommendations:

1. Providing positive pathways to reduce collateral consequences is critical for the District's young adults that are justice-system involved. **The District's justice system agencies should concentrate resources on young adults' specific needs by creating specialized supervision and case management teams and potentially housing them in a separate, local facility.**

366 Office of the State Superintendent of Education. (2016, February). *Responses to fiscal year 2015 performance oversight questions*. Washington, D.C.: Council of the District of Columbia.

367 In New York, 16 and 17 year-olds are treated as adults in the justice system.

368 Cases Youth Program. (2014). *Youth programs*. Resource Brochure. New York: Young Adult Justice Scholars.

369 NYC Dept. of Probation. (n.d.). Young adult justice scholars/justice community programs. Web. Retrieved from http://www.nyc.gov/html/prob/html/young_men/programs.shtml

2. Legislative efforts in the District of Columbia have already had some positive effects on young adults. But the legislation in its present form may not be sufficient and should be evaluated to determine feasibility and potential next steps. **The Office of the Attorney General should examine the outcomes from D.C.'s YRA and, based on the data, recommend amending the legislation.**
3. Similarly, we need to know more about the viability of raising the age of juvenile jurisdiction in D.C., including an exploration of the interplay with home rule, the options for implementation and the areas for increased success for justice-involved young adults. **The District of Columbia should undertake research about raising the age of juvenile jurisdiction in D.C. to 21, with special provisions for the treatment of adults younger than 25, as is being considered in Connecticut.**
4. More local control of young offenders by the D.C. DOC is important because of the limitations of the BOP's services for people under its custody. While youth serving sentences of less than one year are held at D.C.'s CTF with potential to better serve their needs, youth serving longer sentences are scattered around the country, far from family and community support systems. **The District of Columbia criminal justice system should work with the BOP to keep more young adults incarcerated locally at the CTF with appropriate services and support systems.**
5. Even if local control is not feasible, the District should consider other options, such as RRCs for young adults who are sentenced to a year or more. While the standard length of stay in an RRC is 90 days, the BOP could increase this, even to the full length of a young adult's sentence. Such a facility might be better equipped to provide more intensive and comprehensive services for young adults. **The D.C. DOC should consider the creation of an RRC for young adults under an intergovernmental agreement with the BOP.**

LGBTQ Re-entry

While the LGBTQ community is considered its own "special population," members of the community may also be members of another, for example, women or people of color. This chapter on LGBTQ re-entry does not intend to exhaustively parse the compounded nuances faced by people in the LGBTQ community who identify as a member of two or more special populations. Instead, it will provide a general overview of the problems facing the LGBTQ re-entrant community in terms of discrimination that leads to homelessness and unemployment as well as the challenges facing LGBTQ returning citizens who lack specialized services and social supports.

National Context

The LGBTQ community is a special population often overlooked in re-entry efforts. LGBTQ people are more likely to be incarcerated than the general population. Nearly 8 percent of adults in prison and 20 percent of youth in juvenile detention facilities identified as LGBT compared to 3.8 percent and 7.9 percent of the overall general populations, respectively.³⁷⁰ A recent report by the Center for American Progress and the Movement Advancement Project examined discrimination and stigma as factors that lead to the overrepresentation of LGBTQ people in the criminal justice system.³⁷¹ These factors, among others, are not only related to the significant percentages of LGBTQ people within the criminal justice system but also create hurdles for them when they reintegrate into the community after incarceration. Even more concerning is the fact that both nationally and in the District of Columbia, few supports and services are tailored to LGBTQ returning citizens' needs.

Research has shown that LGBTQ individuals are more likely to be policed and often find themselves being arrested for a crime when reporting violence against themselves.³⁷² "For example, police frequently assume that transgender women, particularly transgender women of color, are sex workers based on their perceived transgender status and their race, as well as the fact that they are standing, walking or driving in a particular area."³⁷³ If, for example, a transgender returning citizen were to fall victim to a hate crime, research has shown that it is highly likely they might (a) be rearrested for being perceived to have committed a crime, (b) experience

370 CAP & MAP. (2016, February). *Unjust: How the broken criminal justice system fails LGBT people*. Washington, D.C.: CAP.

371 *Ibid.*

372 See generally, CAP & MAP. (2016, February). *Unjust: How the broken criminal justice system fails LGBT people*. Washington, D.C.: CAP.

373 *Ibid.*, p. 46.

violence at the hands of the police when reporting the hate crime or (c) choose not to report the hate crime at all for fear of the former two possibilities.³⁷⁴

DISCRIMINATION AND STIGMA: HOMELESSNESS

The LGBTQ community experiences higher rates of homelessness than the general population, especially LGBTQ youth. This is due in large part to the rejection that LGBTQ people often face from their families and/or communities. Anywhere from 20 percent to 40 percent of homeless youth identify as LGBTQ.³⁷⁵ In the District, nearly half (43 percent) of homeless youth identify as LGBTQ.³⁷⁶ One in 5 transgender people report having experienced homelessness in their lives,³⁷⁷ and two-thirds report having experienced homelessness as a result of family rejection. In addition, 55 percent of service providers for LGBTQ homeless youth cited family rejection as the reason for their clients' homelessness.³⁷⁸

The cycle of homelessness that LGBTQ people experience is particularly challenging if they are also a returning citizen. The lack of family support, compounded by the difficulties the average returning citizen faces in finding housing, can result in LGBTQ returning citizens becoming homeless after their release, which in turn increases their risk of recidivating.³⁷⁹

Another contributing factor to LGBTQ homelessness is that the community faces discrimination in housing. A study by HUD found that opposite-sex couples were favored over same-sex couples when applying for housing.³⁸⁰ Likewise, 19 percent of transgender respondents in a separate survey reported being refused a home because of their gender identity/expression, and 11 percent reported having been evicted for the same reason.³⁸¹ At present, there is little to no research on the impact of housing discrimination on LGBTQ returning citizens.

DISCRIMINATION AND STIGMA: EMPLOYMENT

Employment discrimination is a significant problem within the LGBTQ community. A 2015 study by the D.C. Office of Human Rights found that “48 percent of employers appeared to prefer at least one less-qualified

374 *Ibid.*

375 *Ibid.*

376 D.C. DHS. (2015). *Homeless youth census 2015*. Washington, D.C.: DHS.

377 National Center for Transgender Equality. (2016). *Housing and homelessness*. Web. Retrieved from <http://www.transequality.org/issues/housing-homelessness>

378 Cited in CAP & MAP. (2016, February). *Unjust: How the broken criminal justice system fails LGBT people*. Washington, D.C.: CAP.

379 Lutze, F. E., Rosky, J. W., & Hamilton, Z. K. (2014). Homelessness and re-entry: A multisite outcome evaluation of Washington State's re-entry housing program for high risk offenders. *Criminal Justice and Behavior*, 41(4), 471-491.

380 Friedman, S., Reynolds, A., Scovill, S., Brassier, F. R., Campbell, R., & Ballou, M. (2013). *An estimate of housing discrimination against same-sex couples*. Washington, D.C.: HUD.

381 Grant, J. M., Mottet, L. A., Tanis, J., Harrison, J., Herman, J. L., & Keisling, M. (n.d.). *Injustice at every turn: A report of the National Transgender Discrimination Survey*. Washington, D.C.: National LGBTQ Task Force.

applicant perceived as cisgender³⁸² over a more-qualified applicant perceived as transgender.”³⁸³ Nationally, between 8 percent and 17 percent of gay, lesbian and bisexual people report having been unfairly fired or denied employment as a result of their sexual orientation, and between 13 percent and 47 percent of transgender workers reported the same as a result of their gender identity/expression.³⁸⁴

D.C. Re-entry Landscape

While there is no accurate data regarding the number of LGBTQ returning citizens in the District of Columbia, the city has the highest concentration of people who identify as LGBTQ in the nation—an estimated 10 percent of the population, nearly three times the rate of the national average.³⁸⁵ Given this, it is important that re-entry services tailored to the LGBTQ community be made available.

For members of the LGBTQ community who become involved in the criminal justice system, the discrimination they face around housing and employment is even more pronounced. Finding housing and employment are difficult enough but present even greater challenges when one has a criminal record or has served time. Indeed, LGBTQ returning citizens are a particularly vulnerable population.

As is the case for all returning citizens, the first step to successful re-entry is being connected to services before one’s release date. The BOP provides some information to people about to be released from prison regarding available resources in their community. One of the ways the BOP does this is through its Community Resource Database (CRD),³⁸⁶ which compiles a list of community-specific resources nationwide for returning citizens. While an essential tool for the average returning citizen, the database was not designed to meet the needs of the LGBTQ community. LGBTQ returning citizens require culturally competent, safe and supportive re-entry services that include appropriately trained service providers equipped to foster a safe space.

Unfortunately, there are few LGBTQ-oriented re-entry programs in the U.S. or the District. Research has shown that “limited LGBTQ-inclusive re-entry programs contribute to higher rates of recidivism for formerly incarcerated LGBTQ people.”³⁸⁷ LGBTQ-specific or inclusive programs could help returning citizens by understanding the unique problems they face as a result of their gender identity/expression, sexual orientation, medical needs

382 Cisgender (often abbreviated to simply cis) is a characteristic of people having a gender identity that matches the sex that they were assigned at birth. Cisgender may also be defined as people who have “a gender identity or perform a gender role society considers appropriate for one’s sex.” See Crethar, H. C. & Vargas, L. A. (2007). *Multicultural intricacies in professional counseling*. In J. Gregoire & C. Jungers (Eds.), *The counselor’s companion: What every beginning counselor needs to know*. Mahwah, NJ: Lawrence Erlbaum. ISBN 0-8058-5684-6., p. 59.

383 Office of Human Rights (OHR). (2015). *Qualified and transgender: A report on results of resume testing for employment discrimination based on gender identity*. Washington, D.C.: OHR.

384 Cited in CAP & MAP. (2016, February). *Unjust: How the broken criminal justice system fails LGBT people*. Washington, D.C.: CAP.

385 Gates, G. J. & Newport, F. (2013). *LGBT percentage highest in D.C., lowest in North Dakota*. Gallup. This ranking is derived from a national comparing the LGBT populations of states. When the District is compared against larger cities with similar populations, it ranks eighth nationally, with 18.1 same-sex couples per 1000 households. See The Williams Institute. (2010). *District of Columbia census snapshot: 2010*. Web. Retrieved from http://williamsinstitute.law.ucla.edu/wp-content/uploads/Census2010Snapshot_D.C._v2.pdf

386 ASCA. (2010). *BOP re-entry strategy resource materials*. Web. Retrieved from http://www.asca.net/system/assets/attachments/1624/BOP_Re-entry_Strategy_Resource_Materials.pdf

387 Policy Link. (2016). *LGBT inclusion: Good for families, communities, and the economy*. Policy Link.

(e.g., people living with HIV, gender reassignment and/or hormone therapy) and family dynamics.

The District has extensive laws and protections, government agencies and other public services available to the LGBTQ community that are not as extensive in many other jurisdictions. In 2006, the D.C. Council established the Mayor's Office of LGBTQ Affairs, which provides technical assistance, capacity building and outreach services, and training programs for agencies and organizations around the city.³⁸⁸ The District also boasts a strong network of LGBTQ-owned, -centered or -friendly organizations and businesses.³⁸⁹ Furthermore, the District's Metropolitan Police Department (MPD) has one of the most comprehensive, culturally competent training programs of any police department in the nation, which includes innovative programs such as a fully-staffed LGBT Liaison Unit.³⁹⁰ The District, however, does not have any LGBTQ-specific programs for returning citizens. General re-entry programs may lack the cultural competency needed to support an LGBTQ re-entering citizen, while LGBTQ social service-providing programs may lack the expertise or resources needed to meet the population's unique needs.

Taylor, a returning citizen who identifies as a cisgender lesbian woman, explained that she often feels shunned by the greater LGBTQ community as a result of having been incarcerated. When considering Taylor's story, Meghan Maury, senior policy counsel and the Criminal and Economic Justice Project director at the National LGBTQ Task Force, said that some in the LGBTQ community may be reluctant to support LGBTQ returning citizens whose crimes they may view as a "betrayal of the community's efforts [to gain equality]." However, Maury reiterated that LGBTQ community and policy advocates are generally supportive of people who are returning.

Promising Practices

COLUMBUS, OHIO'S INSIDEOUT PROGRAM

Stonewall Columbus, a nonprofit organization that supports the Ohio LGBTQ community, runs the Inside-OUT program, designed specifically for incarcerated people and returning citizens in the LGBTQ community. The program has two components: "Inside," supporting incarcerated LGBTQ people, and "Out," supporting LGBTQ returning citizens.

For the "inside" component of the program, InsideOUT staff and other LGBTQ community leaders visit area correctional institutions to educate incarcerated people about LGBTQ services and supports available upon release and to encourage unity among LGBTQ people incarcerated together. Incarcerated LGBTQ people attend monthly, three-hour sessions over the course of a year covering topics such as family, faith and "pride inside." As the program progresses to the ninth month, InsideOUT staff turn over the facilitation of the meetings to participants in the program.

388 Mayor's Office of LGBTQ Affairs. (2016). *LGBTQ—Who we are*. Web. Retrieved from <http://lgbtq.dc.gov/>

389 For an extensive guide of LGBTQ organizations and resources, visit or contact the Mayor's Office of LGBTQ Affairs at (202) 727-9493.

390 CCE email correspondence with Kelly O'Meara, Executive Director of Strategic Change, MPD, November 7, 2016. Police officers also receive 40 hours of advanced training and work throughout the city supporting members of the LGBTQ community. The department-wide cultural competency training courses include topics of: handling interactions with Transgender individuals; domestic violence in LGBT relationships; and bias-motivated crimes. The replication of a program model of this type is being considered by the Inspector General of the NYPD.

According to Lori Gum, Stonewall Columbus' Program Facilitator, "we hope to empower the inmates in these groups, so that they talk about the issues that are important to them. And the issues and populations are different at each facility. We're about to begin our first trans-centered program at Dayton [Correctional Institution] because they indicated that as their need. Inmate-led groups are also how we get them interested, and get them to stay in the groups."

The "out" component of the program is a postrelease support group for LGBTQ returning citizens, with InsideOUT staff working with local businesses and organizations to provide referrals for employment. "We try to engage with returning citizens to stay away from substance use and stay on their meds." Gum also reported that about half of the participants involved with InsideOUT suffer from mental health issues, which she noted is a large contributing factor to LGBTQ recidivism.

Gum said that while InsideOUT is still a work in progress, the fact that a community for LGBTQ returning citizens exists is monumental. A program participant told her, "When I get out, at least I know I can come to Stonewall where there will be someone who knows me, cares about me, and is a place I can call home. It's all I will have."³⁹¹ <https://www.stonewallcolumbus.org/programs/insideout>

"When I get out, at least I know I can come to Stonewall."

—INCARCERATED INSIDEOUT PARTICIPANT

Recommendations

Given the District's high percentage of people who identify as LGBTQ, nearly three times the rate of the national average, much can and should be done to educate the D.C. community against discrimination and to ensure the rights of the LGBTQ community, including LGBTQ returning citizens. To that end, CCE offers the following five recommendations:

1. Since 2006, the Mayor's Office of LGBTQ Affairs has provided technical assistance, capacity building, outreach services and training programs to serve the LGBTQ community. In the decade following its establishment, however, efforts have been minimal at best to assist LGBTQ returning citizens. **The Mayor's Office of LGBTQ Affairs should broaden its focus to include LGBTQ returning citizens with development and implementation of comprehensive, culturally competent training to other executive branch agencies—such as MORCA, DBH, DOH and DOES—on how best to provide services for D.C.'s LGBTQ returning citizens**
2. Similarly, **the District's criminal justice and law enforcement agencies should implement new or update existing training procedures to replicate the model developed by the MPD, which provides robust, culturally competent training on how best to respond to and assist the LGBTQ community.**
3. While the District's nonprofit community includes many organizations that provide services and supports to D.C.'s returning citizens, few if any programs are geared toward members of the LGBTQ community with criminal records or who have served time. **The D.C. government in partnership with the nonprofit**

³⁹¹ Gum, L. (2015). *InsideOUT: LGBTQ inmate support group program*. Columbus, Ohio: Stonewall Columbus, Inc. Unpublished program curriculum, available from Stonewall Columbus, Inc., p. 4.

community, and with adequate financial support from public-private sources, should encourage local organizations to broaden their focus to include LGBTQ-centered services.

4. Both the LGBTQ and re-entry communities lack data on the challenging issues facing LGBTQ returning citizens, including but not limited to the impact of housing and employment discrimination. **The D.C. government should encourage research efforts, with support from public and private funding sources, to collect and analyze data not only on the problems but also on programs that are making a difference.**
5. Returning citizens need relevant information about services and resources available in the communities to which they will be released. This information is particularly lacking for members of the LGBTQ community. Accordingly, **the BOP should expand its Community Resource Database to include more LGBTQ-friendly information.**

Social Supports

Introduction

Many returning citizens in CCE’s focus groups and interviews expressed the importance of a strong support network. Support can take a variety of forms, such as family, mentoring, educational and vocational. These forms of support help to address what one participant called the “pre-employment barrier.”

Successful returning citizens overwhelmingly identify poor social support as a major barrier that remains neglected in government and nonprofit organizational programming.³⁹² The Urban Institute found that people incarcerated in prisons and their families were frequently ill-prepared for the transition from incarceration to home life and the emotional and logistical complications that would inevitably follow. Additionally, according to Urban, “on the community level, entire neighborhoods were unable to meet the complex needs of returning individuals.”³⁹³

This chapter will discuss key issues that affect the re-entry process and can make a difference in a person’s successful transition, including family ties, mentorships and institutional programming that is geared toward informing as well as inspiring people to succeed.

National Context

FAMILY TIES

Empirical research findings on social ties that affect recidivism include three components related to family relationships. First, social and family ties have a controlling effect on returning offenders’ behavior; second, they provide emotional support; and third, they facilitate identity transformation.³⁹⁴ While a criminal record is more likely to lead to exclusion within the larger community, family members are unlikely to consider the returning citizen’s arrest record as representative of the individual’s real self, but rather they may view it as

392 Denney, A., Tewksbury, R., & Jones, R. (2014). *Beyond basic needs: Social support and structure for successful offender re-entry*. Marquette University Social and Cultural Sciences Faculty and Research Publication., p. 39.

393 Rossman, S. & Fontaine, J. (2015). *Safer return demonstration: Implementation findings from a research-based community re-entry initiative*. Washington, D.C.: Urban Institute.

394 Berg, M. T., & Huebner, B. M. (2011). Re-entry and the ties that bind: An examination of social ties, employment and recidivism. *Justice Quarterly*, 28(2), 382-410., p. 385.



EUGENE RAY

My biggest struggle as a returning citizen has been my family forgiving me and giving me a strong support system. And also being uncomfortable because of my prior convictions feeling that I may get laid off.

My biggest success as a returning citizen has been being focused and striving to succeed in life, being optimistic. I see a great future for me.

part of that person's total personality.³⁹⁵ This holistic perspective gives returning citizens confidence and allows them to be seen as more than just their arrest record.

Families also provide support for the mental and emotional toll re-entry may have on a returning citizen and prevent the individual from falling into old temptations that led to prison. People who are incarcerated or under supervision have many choices, decisions and adjustments to make when they return. Participants in a CCE focus group told us that upon release, they come home thinking they can overcome and are filled with spirit and excitement. But the reality of the situation is that they are often unprepared and ill-equipped to face the challenges. They need support in focusing on steps that will position them to be successful. For example, they may run into an old friend, and while seeing the familiar face is appealing, it may also have the potential to misdirect or get them off track.

Returning Citizen's Voice

Teresa, one returning citizen who has spoken throughout this report, has four siblings, an adult daughter, a mother and others who assisted in her transition from incarceration. She had a place to stay at her mother's house once she was released from the halfway house and a job as a paralegal.

"It comes down to your personal constitution and the family and support system that awaits you outside prison... You need an anchor, otherwise you unravel."

Family support is essential not only for transitioning back to the community but also for facilitating job opportunities. Research suggests that quality social ties with family lower the risk for recidivism, in part, by facilitating job attainment.³⁹⁶ As this report has outlined, returning citizens are usually under-skilled and undereducated when they leave prison. Therefore, they often rely on family connections for job procurement.

MENTORSHIP

Mentorship is another essential component in the successful re-entry experience. According to a study of a re-entry mentoring program established by Public/Private Ventures, a former national nonprofit, at the one-year, postrelease mark, participants who were mentored, regardless of whether they ever became employed, were 35 percent less likely to recidi-

³⁹⁵ *Ibid.*, p. 385.

³⁹⁶ *Ibid.*, p. 383.

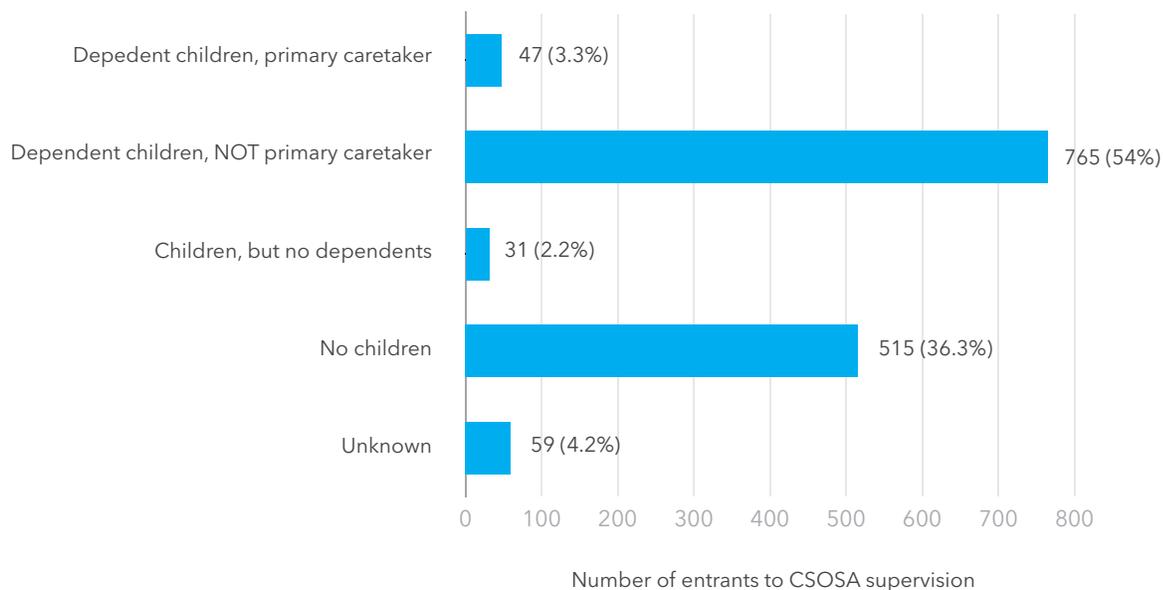
vate than those who were not mentored.³⁹⁷

One returning citizen in a CCE focus group said that mentorship is increasingly important for returning citizens who may not recognize the new world in which they are living. “They need a mentor... someone who’s been home and working for about three to five years... someone who will help color their perspective and help them get reacquainted with the job application process and climate. They need this individual to help them avoid [the] people and environments that got them in trouble in the first place... someone that will help them make a lifestyle change.” Indeed, mentorship is an important tool that can make a difference to a person’s job search and reintegration back to their community.

D.C. Re-entry Landscape

Reuniting with family is important for many returning citizens in terms of child care, employment and housing. As Figure 20 illustrates, in 2015, 57 percent of people entering CSOSA supervision from BOP facilities had dependent children, although only a fraction were primary caregivers. Forty-seven returning citizens in 2015, or less than 4 percent, were the primary caregivers of their dependent children, while 765, or 54 percent of returning citizens with dependent children were not.³⁹⁸

Figure 20: Parental status of 2015 entrants to CSOSA supervision from BOP



397 Cobbs Fletcher, R., Jucovy, L., & Sherk., J. (2009). *Mentoring former prisoners: A guide for re-entry programs*. Washington, D.C.: Public/Private Ventures.

398 CSOSA. (2015). *Parental status of 2015 reentrants to CSOSA supervision from BOP*. Unpublished raw data analyzed by authors and on file with CCE.

As Figures 21 and 22 illustrate, while about two-thirds of returning citizens with dependent children had stable housing, 3 in 4 were either unemployed or unemployable.³⁹⁹



SEAN GLENN

My biggest struggle as a returning citizen has been taking care of my kids. They are number one.

My biggest success has been being free and staying free.

Figure 21: Employment status of 2015 entrants from BOP to CSOSA supervision with dependent children

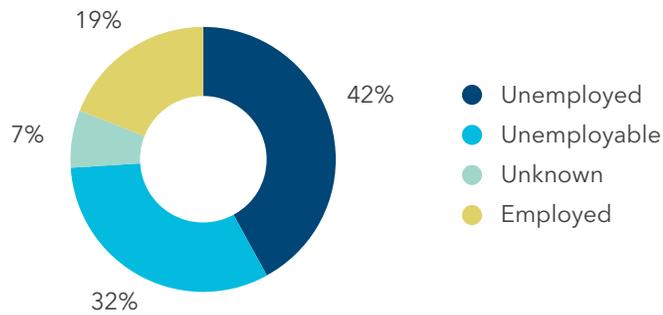
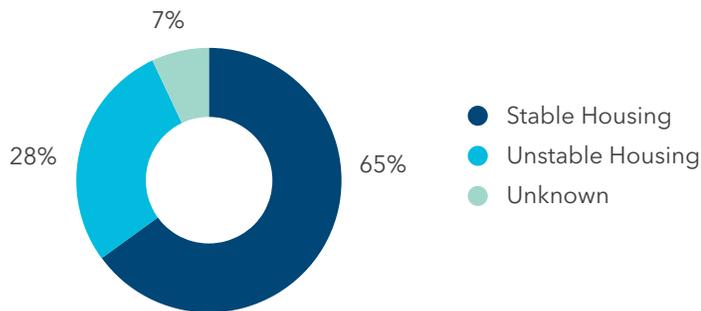


Figure 22: Housing status of 2015 entrants from BOP to CSOSA supervision with dependent children.



For returning citizens who transfer to halfway houses rather than to family homes, the process of family reunification can be even more difficult. At Hope Village, for example, visits are done in a large open area with other

³⁹⁹ *Ibid.*

residents in sight, which can intimidate small children and provides no privacy for families to discuss sensitive topics. Having a supportive family structure is often what helps returning citizens succeed.

People who are incarcerated and face the prospects of returning to their families might also benefit from parenting programs offered within the prison to help strengthen those family bonds. According to one participant in a CCE focus group, “My biggest challenge will be staying focused. I need to keep my motivation going. I have a barbecue business, a son, and I take fatherhood seriously. I want to focus on molding my relationship with my son. It would be good to have an instructor in here on fatherhood. There are many fathers in here that need help parenting.”

Promising Practices

D.C. DOC WORK READINESS PROGRAM

Two CCE staff were given access to conduct a focus group with three men who were incarcerated in the D.C. DOC Work Readiness Unit. The men assigned to this unit are within 12 weeks of release and receive work and life skills training from DOES staff, along with case management and employment assistance from DOES upon release.

The Work Readiness Program also encourages returning citizens to identify what led them to engage in criminal activity and to address those issues. According to one focus group member, the program “gives you a structure of where to go, rather than going back to criminal activity. We encourage each other to do the right thing... to give yourself a chance and involve yourself in positive things.”

Program participants also receive a number of resources for use when they re-enter the community, such as information about commercial driver’s licenses, a GED certificate and treatment programs like Alcoholics Anonymous, as well as assistance with drafting resumes and business plans prior to release. They also learn about D.C. government agencies and programs that are relevant to their re-entry process.

Focus group participants told us that the program gives them a sense of importance and pride that translates to life on the outside. “This program was life-saving. I’ve seen so many broken spirits in jail, and in this program unlike in the main part of the jail, everyone has a purpose again. People are open-minded and give you strength. We are helping one another to know which way to go.”

Work Readiness Program participants also look to one another for encouragement and support. “Here... we have to break out of our set state of mind. We want to be creative people to help those like us. We see a positive way of life rather than a negative way of life... The ones that want to make it... we help each other to do so.”

Returning Citizens' Voices

One focus group participant referred to the re-entry process as a “long and continuous journey.” Opinions varied about the journey’s duration, but everyone agreed that when least expected, “triggers” will bring to the surface old feelings and experiences.

Returning citizens must overcome road blocks and walls, defensiveness, negativity and mind-sets they have used thus far in life to protect themselves but that now act as barriers. With every new day is a new opportunity to make a decision that will either further their success or hinder it. As another returning citizen noted, “My life depends on what I’m doing today.”



LASHONIA THOMPSON-EL

My biggest struggle as a returning citizen has been family reunification.

My biggest success has been working to improve gender responsive re-entry efforts and help create humane conditions of confinement.

Recommendations

Social supports, such as family ties, mentorships and well-run programs in prison and in jail, can make a difference in the successful transition from incarceration to the community. To that end, we offer the following three recommendations:

1. Returning citizens have opinions about and insights into policies and programs that are making a difference both positively and negatively in their transition back to the community. **Criminal justice institutions and programs should involve returning citizens in the development of new, and evaluation of existing, re-entry policies and programs.**
2. Family ties can have a positive effect on recidivism, build confidence, provide emotional support and facilitate job opportunities. But the physical limitations of prisons, jails and halfway houses are not conducive to maintaining or strengthening family relationships. **Criminal justice institutions, community and non-profit organizations and programs should create more effective ways to integrate family support into the prison and re-entry process.**
3. Mentors and mentoring programs are as vital to a returning citizen's success as treatment, housing or vocational services. **Criminal justice agencies and nonprofit organizations should ensure that mentors are fully recognized, and compensated when possible, for the value of their time and experience.**

Glossary of Acronyms

AA	Alcoholics Anonymous
ACA	Affordable Care Act
ACLU	American Civil Liberties Union
AIDS	Acquired immune deficiency syndrome
BHA	Burlington Housing Authority
BJS	Bureau of Justice Statistics
BLS	Bureau of Labor Statistics
BOP	Federal Bureau of Prisons
C4C	Consultants for Change
CAP	Center for American Progress
CASA	the National Center on Addiction and Substance Abuse
CCA	Center for Community Alternatives
CCE	Council for Court Excellence
CCNV	The Community for Creative Non-Violence
CDF	Central Detention Facility, or D.C. Jail
CEPP	Center for Effective Public Policy
CIC	Corrections Information Council
CJCC	Criminal Justice Coordinating Council
CJPS	D.C. Council Committee on the Judiciary and Public Safety
CLSP	Community Legal Services of Philadelphia
CMHRP	Oklahoma Collaborative Mental Health Reentry Program
CRD	Community Resource Database
CSGJC	the Council of State Governments Justice Center

CSO	Community supervision officer
CSOSA	Court Services and Offender Supervision Agency for the District of Columbia
CTF	Correctional Treatment Facility
DBH	D.C. Department of Behavioral Health
D.C. DOC	D.C. Department of Corrections
D.C. OAG	D.C. Office of the Attorney General
DCCK	D.C. Central Kitchen's Culinary Job
DCHA	D.C. Housing Authority
DMGEO	Deputy Mayor for Greater Economic Opportunity
DMHSAS	Department of Mental Health and Substance Abuse Services
DMV	D.C. Department of Motor Vehicles
DOES	D.C. Department of Employment Services
DOH	D.C. Department of Health
DSLBD	The D.C. Department of Small and Local Business Development
DYRS	Department of Youth Rehabilitation Services
ED	United States Department of Education
EEOC	United States Equal Employment Opportunity Commission
EOM	Executive Office of the Mayor
FCRSA	Fair Criminal Record Screening Amendment Act
FOIA	Freedom of Information Act
FY	Fiscal Year
GAO	United States Government Accountability Office
GED	General Education Development
HIV	Human immunodeficiency virus
HUD	United States Department of Housing and Urban Development
JHC	Justice & Health Connect
KFF	Kaiser Family Foundation
LGBTQ	Lesbian, Gay, Bisexual, Transgender, Queer/Questioning
MAP	Movement Advancement Project
MCDCR	Montgomery County Department of Corrections and Rehabilitation

MIT	Massachusetts Institute of Technology
MORCA	Mayor's Office on Returning Citizen Affairs
MPD	D.C. Metropolitan Police Department
NA	Narcotics Anonymous
NIJ	National Institute of Justice
NLIHC	National Low Income Housing Coalition
ODRC	The Ohio Department of Rehabilitation and Correction
OHR	D.C. Office of Human Rights
OIG	D.C. Office of the Inspector General
OK DOC	Oklahoma Department of Corrections
OSSE	D.C. Office of the State Superintendent of Education
PDS	Public Defender Service for the District of Columbia
PRC	Pre-release Center
PREP	Philadelphia Re-entry Program
PSA	Pretrial Services Agency
PTSD	Post-Traumatic Stress disorder
RDAP	Residential Drug Abuse Program
REC	Re-engagement Center
RHO	Returning Home Ohio
RRC	Residential Re-entry Center
SOW	Statement of Work
SSI	Social Security insurance/benefits
SSDI	Social Security disability insurance/benefits
TANF	Temporary Aid to Needy Families
TAP	Transition Assistance Program
TIPS	Transitional Intervention for Parole Supervision
TORI	Texas Offenders Re-entry Initiative
ULS	University Legal Services
USAO D.C.	United States Attorney's Office for the District of Columbia
USCB	United States Census Bureau
USPC	United States Parole Commission

VSC	Voices for a Second Chance
WLC	Washington Lawyers' Committee
WMATA	Washington Metropolitan Area Transit Authority
WPA	Women's Prison Association
YRA	D.C.'s Youth Rehabilitation Act

Recommendations Chart

Chapter	Rec. #	Recommendation
CHAPTER 2 An Overview of D.C.'s Re-entry System	1	The BOP, halfway houses and D.C. DOC should coordinate to ensure that re-entry planning is conducted at least three months prior to a person's release. Such planning must be holistic and individualized, and should consider employment, applications for disability benefits and Medicaid, education and housing, as well as information about parenting, money management, technology and useful information, such as how to use a Washington Metropolitan Area Transit Authority (WMATA) SmarTrip public transportation fare card.
CHAPTER 2 An Overview of D.C.'s Re-entry System	2	The District should advocate to Congress for USPC regulations and procedures to be rewritten to better address the needs of D.C. Code offenders, or else for the amending of the Revitalization Act so that the USPC no longer has jurisdiction over D.C. Code offenders, in which case the District must also reconstitute the D.C. Board of Parole.
CHAPTER 2 An Overview of D.C.'s Re-entry System	3	The BOP should create an ombudsman position focused specifically on D.C. correctional issues.
CHAPTER 2 An Overview of D.C.'s Re-entry System	4	The BOP should not renew Hope Village's contracts when they expire in 2016 and 2017.
CHAPTER 2 An Overview of D.C.'s Re-entry System	5	The BOP should use this Statement of Work to hold a new halfway house provider accountable for offering high-quality services, including workforce engagement, connection to behavioral and physical health services, securing housing, family support and offense-specific issues, by tracking outcomes such as employment, engagement in treatment, and recidivism.
CHAPTER 2 An Overview of D.C.'s Re-entry System	6	Agencies and organizations should strive to provide case management that is client-centered.

	BOP	CSOSA	DBH	D.C. Council	D.C. Mayor	DOC	Halfway Houses	MORCA	Nonprofit & Community Organizations	Other
	X					X	X			
				X	X					<ul style="list-style-type: none"> • Congress • USPC
	X									
	X									
	X						X			
	X	X	X			X	X	X	X	<ul style="list-style-type: none"> • DYRS • PSA

Chapter	Rec. #	Recommendation
CHAPTER 2 An Overview of D.C.'s Re-entry System	7	RRCs serving D.C.'s returning citizens should replicate the Montgomery County PRC model, by gathering community input on decisions that affect their surrounding neighborhoods, meaningfully engaging with the community, and treating community-based organizations as active partners.
CHAPTER 2 An Overview of D.C.'s Re-entry System	8	MORCA should be fully funded in the next budget so that it can implement the recommendations included in the inspector general's report and the University of Maryland's assessment of the agency and better serve D.C.'s returning citizens by operating as a re-entry hub, coordinating referrals to service providers and helping to develop and implement policy ideas.
CHAPTER 3 Housing	1	Support should be provided to family and friends to house returning citizens, including protection from eviction and confidence that their own privacy rights will be protected.
CHAPTER 3 Housing	2	Correctional facilities and housing providers should permit and assist returning citizens to apply for and reserve housing up to 90 days prior to release
CHAPTER 3 Housing	3	Public and private sector service providers should ensure that returning citizens – especially people with mental and physical health needs and who are homeless – have housing that enables them to feel safe and adjust to being released from prison or jail. This will require community needs assessments and building sufficient capacity to meet those needs.
CHAPTER 3 Housing	4	The D.C. government should continue to increase affordable housing options and add returning citizens to the list of demographic groups considered priority populations.
CHAPTER 3 Housing	5	The D.C. government and nonprofit stakeholders should collaborate to clarify and streamline the patchwork of eligibility for housing-related services.
CHAPTER 3 Housing	6	The D.C. government and nonprofit stakeholders should collaborate to create a tracking system to determine the availability of beds in various re-entry housing programs, allowing them to place returning citizens more efficiently and effectively.
CHAPTER 3 Housing	7	The D.C. Council should enact The Fair Criminal Record Screening for Housing Act of 2016, introduced by Councilmember Kenyan McDuffie, to prevent unwarranted discrimination against people with criminal records in housing markets, and ensure the subsequent law is enforced by OHR.

	BOP	CSOSA	DBH	D.C. Council	D.C. Mayor	DOC	Halfway Houses	MORCA	Nonprofit & Community Organizations	Other
	X						X		X	
				X	X			X		
		X		X	X			X	X	
	X	X	X	X	X	X	X	X	X	
		X	X	X	X		X	X	X	<ul style="list-style-type: none"> • DCHA • DOH
				X	X					<ul style="list-style-type: none"> • DCHA • DHCD
				X	X				X	<ul style="list-style-type: none"> • DCHA • DHCD
				X	X				X	<ul style="list-style-type: none"> • DCHA • DHCD
				X	X					<ul style="list-style-type: none"> • OHR

Chapter	Rec. #	Recommendation
CHAPTER 4 Employment	1	Expand adult education opportunities with a focus on high school diplomas, secondary education and job skills that are in high demand in local markets.
CHAPTER 4 Employment	2	The District government, in consultation with service providers, should develop and fund comprehensive programs that provide not just employment skills and training but also meet the holistic needs of returning citizens.
CHAPTER 4 Employment	3	D.C. criminal justice agencies should continue to increase the flexibility of the requirements for probation, parole and supervision so that they do not jeopardize or impede work or training.
CHAPTER 4 Employment	4	Research should be undertaken that asks employers about incentives that would encourage them to hire returning citizens, and such incentives should then be developed, implemented and evaluated.
CHAPTER 4 Employment	5	The BOP should replicate quality job training programs at more facilities where D.C. Code offenders are housed, and the D.C. DOC should gather the necessary data to track outcomes from its work-release program and expand participation in the practices that work.
CHAPTER 4 Employment	6	The mayor and D.C. Council should work together to fund the Improving Access to Identity Documents Amendment Act of 2016 in the next budget, and DMV, DOC, MORCA, and CSOSA should work in conjunction with non-profits to educate returning citizens about the benefits of this law.
CHAPTER 4 Employment	7	The D.C. Council, in consultation with key stakeholders, should not only consider legislation to expand the type of offenses that are eligible for sealing and expungement but also consider requiring private companies that collect criminal records to purge information about arrest or conviction records that have been sealed or expunged.
CHAPTER 5 Education	1	The District of Columbia government, in consultation with the nonprofit community, should continue to increase the availability of high school diploma programs that offer flexible schedules and other supports to adults.
CHAPTER 5 Education	2	MORCA, social service providers and re-entry community advocacy organizations should focus on assisting returning citizens with enrolling in educational courses and applying for financial aid as part of their transition home.
CHAPTER 5 Education	3	The BOP should increase access to GED and college courses at BOP facilities for D.C. Code offenders.

	BOP	CSOSA	DBH	D.C. Council	D.C. Mayor	DOC	Halfway Houses	MORCA	Nonprofit & Community Organizations	Other
				X	X				X	<ul style="list-style-type: none"> • DOES • DCPS • Public Charter Schools
			X	X	X			X	X	<ul style="list-style-type: none"> • DCHA • DOES • DOH • DSLBD • Unity Health Care
	X	X				X				<ul style="list-style-type: none"> • PSA • USPC
								X	X	<ul style="list-style-type: none"> • DOES
	X					X				<ul style="list-style-type: none"> • PSA
		X		X	X	X	X	X	X	<ul style="list-style-type: none"> • DMV
				X						
				X	X				X	<ul style="list-style-type: none"> • DCPS • Public Charter Schools
							X	X	X	<ul style="list-style-type: none"> • DCHA • DCPS • Public Charter Schools
	X									

Chapter	Rec. #	Recommendation
CHAPTER 5 Education	4	The D.C. DOC should undertake to have an evaluation conducted concerning the quality of its GED and special education services that would include the establishment and implementation of a formal improvement plan.
CHAPTER 5 Education	5	The BOP should make special education services available at BOP facilities to people under 22 years of age or house people who qualify at the D.C. DOC where they can utilize existing services.
CHAPTER 6 Physical & Behavioral Health	1	The BOP, the D.C. DOC and the D.C. Department of Behavioral Health should work together to improve the quality of substance use and mental health treatment so that care provided through their agencies, as well as through core service agencies and other community providers, is in line with evidence-based best practices.
CHAPTER 6 Physical & Behavioral Health	2	D.C. government agencies should work together to increase the availability of integrated treatment for people with co-occurring mental health and substance use disorders, both while they are incarcerated and once they return to the community.
CHAPTER 6 Physical & Behavioral Health	3	D.C. Council, MPD and DBH should collaborate to develop pre-arrest diversion programs for people with mental illness.
CHAPTER 6 Physical & Behavioral Health	4	Public and private sector service providers should ensure that people with behavioral and physical health needs who are homeless have housing that enables them to engage appropriate care upon release from prison or jail. This will require community needs assessments and to build sufficient capacity to meet those needs.
CHAPTER 6 Physical & Behavioral Health	5	D.C. government agencies responsible for health care-related benefits should ensure that people who have disabilities and chronic illnesses—including serious and persistent mental illness—face no gap in service coverage for either Medicaid or disability benefits. Furthermore, the BOP should send a weekly list of people being released from their facilities to the Department of Health Care Finance to prevent gaps in Medicaid coverage and allow for medication and medical services not to lapse.
CHAPTER 6 Physical & Behavioral Health	6	The D.C. government should work with hospitals and other health care providers to create fee waiver or fee reduction programs for medical records requested by returning citizens or their service providers for the purpose of obtaining benefits.
CHAPTER 6 Physical and Behavioral Health	7	Supervision agencies should recognize that people with mental illness may have difficulty with strict compliance of rules of supervision and should craft a “problem solving” approach to supervision, in line with federal disability law, that creates accommodations to support the well-being of the individual while maintaining public safety.

	BOP	CSOSA	DBH	D.C. Council	D.C. Mayor	DOC	Halfway Houses	MORCA	Nonprofit & Community Organizations	Other
						X				
	X									
	X		X			X			X	<ul style="list-style-type: none"> • Unity Health Care
		X	X	X	X	X	X	X	X	<ul style="list-style-type: none"> • PSA • Unity Health Care
			X	X	X					<ul style="list-style-type: none"> • MPD
	X	X	X	X	X	X	X	X	X	<ul style="list-style-type: none"> • DOH
	X					X				<ul style="list-style-type: none"> • DHCF
			X	X	X			X	X	<ul style="list-style-type: none"> • DOH
		X								<ul style="list-style-type: none"> • PSA • USPC

Chapter	Rec. #	Recommendation
CHAPTER 6 Physical and Behavioral Health	8	Public and private providers should expand the use of “warm hand-offs,” providing an introduction and connection to services rather than a referral that can be difficult for people with physical and mental health problems to follow up on independently.
CHAPTER 7 Women's Re-entry	1	The BOP should invest in programs that provide re-entering women with job preparedness, training and experience and should remunerate women fairly for the work they perform.
CHAPTER 7 Women's Re-entry	2	The BOP should facilitate access to all forms of family visitation while women are incarcerated, including collaborating to organize trips to out-of-state facilities, housing women closer to D.C. and video conferencing visitation, and in consultation with the D.C. DOC should consider keeping all women D.C. Code offenders incarcerated in D.C. for the duration of their sentence.
CHAPTER 7 Women's Re-entry	3	The D.C. government and WMATA should consider providing free public transportation to women returning citizens until they are more stabilized in terms of income and other benefits.
CHAPTER 7 Women's Re-entry	4	DCHA, DHCD, the D.C. DOC and service providers should collaborate to increase housing options and ensure that such options do not replicate the traumatizing experience of prison and jail.
CHAPTER 7 Women's Re-entry	5	PSA, CSOSA and the USPC should re-evaluate the terms of supervision for women so that they are not unnecessarily re-incarcerated for violations that disrupt their ability to care for family and maintain stable housing and work.
CHAPTER 7 Women's Re-entry	6	The D.C. DOC and DBH, in collaboration with public and private sector service providers, should increase options for therapy and mental health services in and outside of the jail.
CHAPTER 7 Women's Re-entry	7	The BOP and the D.C. DOC, in collaboration with public and private sector service providers in D.C., should train staff at all levels on trauma-informed care, as well as increase access to trauma-informed programming at correctional facilities and within community-based organizations.
CHAPTER 8 Re-entry for Young Adults	1	The District's justice system agencies should concentrate resources on young adults' specific needs by creating specialized supervision and case management teams and potentially housing them in a separate, local facility.
CHAPTER 8 Re-entry for Young Adults	2	The Office of the Attorney General should examine the outcomes from D.C.'s YRA and, based on the data, recommend amending the legislation.

	BOP	CSOSA	DBH	D.C. Council	D.C. Mayor	DOC	Halfway Houses	MORCA	Nonprofit & Community Organizations	Other
	X	X	X			X	X	X	X	• PSA
	X									
	X	X				X		X		
				X	X	X		X		• WMATA
				X	X	X		X	X	• DCHA
	X					X				
			X			X			X	• Unity Health Care
	X					X	X		X	• Unity Health Care
	X	X				X		X		• DYRS • PSA
										• OAG

Chapter	Rec. #	Recommendation
CHAPTER 8 Re-entry for Young Adults	3	The District of Columbia should undertake research about raising the age of juvenile jurisdiction in D.C. to 21, with special provisions for the treatment of adults younger than 25, as is being considered in Connecticut.
CHAPTER 8 Re-entry for Young Adults	4	The District of Columbia criminal justice system should work with the BOP to keep more young adults incarcerated locally at the CTF with appropriate services and support systems.
CHAPTER 8 Re-entry for Young Adults	5	The D.C. DOC should consider the creation of an RRC for young adults under an intergovernmental agreement with the BOP.
CHAPTER 9 LGBTQ Re-entry	1	The Mayor's Office of LGBTQ Affairs should broaden its focus to include LGBTQ returning citizens with development and implementation of comprehensive, culturally competent training to other executive branch agencies—such as MORCA, DBH, DOH and DOES—on how best to provide services for D.C.'s LGBTQ returning citizens.
CHAPTER 9 LGBTQ Re-entry	2	The District's criminal justice and law enforcement agencies should implement new or update existing training procedures to replicate the model developed by MPD, which provides robust, culturally competent training on how best to respond to and assist the LGBTQ community.
CHAPTER 9 LGBTQ Re-entry	3	"The D.C. government in partnership with the nonprofit community, and with adequate financial support from public-private sources, should encourage local organizations to broaden their focus to include LGBTQ-centered services.
CHAPTER 9 LGBTQ Re-entry	4	The D.C. government should encourage research efforts, with support from public and private funding sources, to collect and analyze data not only on the problems but also on programs that are making a difference
CHAPTER 9 LGBTQ Re-entry	5	The BOP should expand its Community Resource Database to include more LGBTQ-friendly information.

	BOP	CSOSA	DBH	D.C. Council	D.C. Mayor	DOC	Halfway Houses	MORCA	Nonprofit & Community Organizations	Other
				X	X					<ul style="list-style-type: none"> • DYRS • OAG
	X					X				<ul style="list-style-type: none"> • DYRS
	X				X	X	X			
		X	X					X		<ul style="list-style-type: none"> • DOES • DOH • Mayor's Office on LGBTQ Affairs
		X				X		X		<ul style="list-style-type: none"> • Mayor's Office on LGBTQ Affairs • PSA • WMATA
		X		X	X	X	X	X	X	<ul style="list-style-type: none"> • Mayor's Office on LGBTQ Affairs • PSA
				X	X			X		<ul style="list-style-type: none"> • Mayor's Office on LGBTQ Affairs
	X		X						X	

Chapter	Rec. #	Recommendation
CHAPTER 10 Social Supports	1	Criminal justice institutions and programs should involve returning citizens in the development of new, and evaluation of existing, re-entry policies and programs.
CHAPTER 10 Social Supports	2	Criminal justice institutions, community and non-profit organizations and programs should create more effective ways to integrate family support into the prison and re-entry process.
CHAPTER 10 Social Supports	3	Criminal justice agencies and nonprofit organizations should ensure that mentors are fully recognized, and compensated when possible, for the value of their time and experience.

	BOP	CSOSA	DBH	D.C. Council	D.C. Mayor	DOC	Halfway Houses	MORCA	Nonprofit & Community Organizations	Other
	X	X	X	X	X	X	X	X	X	<ul style="list-style-type: none"> • Congress • DCHA • DOH • DYRS • Mayor's Office on LGBTQ Affairs • MPD • OAG • PSA • USPC
	X	X	X	X	X	X	X	X	X	<ul style="list-style-type: none"> • DYRS
		X		X	X			X	X	<ul style="list-style-type: none"> • DYRS

Officers and Executive Committee

CHAIR

Hon. Sven E. Holmes
KPMG LLP

PRESIDENT

Irvin B. Nathan
Arnold & Porter LLP

IMMEDIATE PAST PRESIDENT

Earl J. Silbert
DLA Piper LLP (US)

VICE PRESIDENT

Jack E. Strausman
Pepco Holdings

SECRETARY

Larry E. Hinton
GEICO Insurance Company

TREASURER & FINANCE COMMITTEE CHAIR

Julia A. Matthews
PNC Wealth Management

NOMINATING COMMITTEE CHAIR

Dwight D. Murray
*Stein Mitchell Cipollone Beato
& Missner LLP*

James D. Berry Jr.
Civic Director

Carol Elder Bruce
K & L Gates LLP

Paulette E. Chapman
*Koonz, McKenney, Johnson,
DePaolis & Lightfoot, L.L.P.*

Barry Coburn
Coburn & Greenbaum PLLC

David H. Cox
Jackson & Campbell, PC

Leslye Givarz
Civic Director

Laura R. Handman
Davis Wright Tremaine LLP

James H. Hulme
Arent Fox LLP

John B. Kennedy
The Washington Post

Peter R. Kolker
Zuckerman Spaeder LLP

Victor E. Long
Reagan Zambri Long, PLLC

John W. Nields
Covington & Burling LLP

Hon. Robert D. Okun
*Superior Court
of the District of Columbia*

Tyrone C. Parker
Civic Director

Brian L. Schwalb
Venable LLP

Elizabeth A. Scully
BakerHostetler

Steuart H. Thomsen
Sutherland Asbill & Brennan LLP

James P. Tuite
*Akin Gump Strauss Hauer
& Feld LLP*

Natalie S. Walker
Webster & Fredrickson, PLLC

Cynthia G. Wright
Civic Director

STAFF

June Kress
Executive Director

Jeff Capley
Office Administrator

Sarah Medway
Policy Analyst

Ben Moser
Research & Policy Analyst

Danny Reed
*Development & Communications
Director*

Emily Tatso
Policy Analyst



Council for Court Excellence
1111 14th Street NW, Suite 500
Washington, DC 20005-5628
202.785.5917

courtexcellence.org
facebook.com/courtexcellence
twitter.com/CCE_for_DC
linkedin.com/company/council-for-court-excellence

