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SECOND CHANCES THROUGH SUCCESSFUL REENTRY

A HAMILTON PROJECT FORUM

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ANDERSON COURT REPORTING

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Welcome and Introductions:

ROBERT E. RUBIN
Co-Chair, Council on Foreign Relations
Former U.S. Treasury Secretary

**Fireside Chat: A Conversation with Sally Q. Yates,
Deputy Attorney General of the United States:**

Discussant:

SALLY Q. YATES
U.S. Deputy Attorney General

Moderator:

ARI MELBER
Chief Legal Correspondent
MSNBC

**Roundtable: Removing Barriers and Building
Opportunities for People with Criminal Records:**

RYAN NUNN, Moderator
Policy Director, The Hamilton Project
Fellow, The Brookings Institution

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PARTICIPANTS (CONT'D):

FRED PATRICK
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**Roundtable: Policy Options to Reduce Recidivism and
 Aid Reentry:**

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P R O C E E D I N G S

MR. RUBIN: Good morning. I'm Bob Rubin. And on behalf of all my colleagues at The Hamilton Project, I welcome you. Today's program, on a very important dimension of criminal justice reform, equipping incarcerated individuals for successful reentry into our society and our economy, and that involves both rehabilitation while in prison, and help on many fronts upon release.

This is The Hamilton Project's fourth Criminal Justice Event. Our first program took place roughly five years ago, and that was before Criminal Justice Reform had widespread focus. When we had that first program, and we had it in this room, much to our surprise people came from all over the country, and we realized afterwards the reason was, that up to that point at least, there had been virtually no focus in Washington on this issue and we were providing a Washington platform for discussion on an issue that we at least thought was critically important.

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I think it was also because we viewed this not only as a social and a moral issue, though it most certainly is both, but also as an economic issue, and we focused on the enormous cost that we'd save if you had a rational system. Then also on the increase in productivity, if we equipped incarcerated individuals upon release, to reenter the mainstream economy and the workforce in an effective fashion, and that perspective, that economic perspective and in addition of course to social and moral one, has animated The Hamilton Projects involvement, and continued involvement, ongoing involvement in criminal justice reform ever since.

Before we proceed with the program, I'm going to describe it very, very briefly. I'm going to discuss a personal experience that I had that put a human face on criminal justice reform, and also I think dramatically made the point about the woeful inadequacies of our current system with respect to people who are released from prison.

In January this year, I gave a TEDx Talk at
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San Quentin State Prison in California. And I was dubious when I was asked to do this because I couldn't see how my experience will be relevant to the experience and lives of the people who were incarcerated at San Quentin. So, the organizers set up a conference call between me and eight of the inmates in San Quentin. I started that call by trying to figure out what I could say, what I could talk about that would be relevant to them. And I wound up by discovering, how much they had to say that was meaningful to me.

They spoke themselves, they spoke about life more generally, they talked about or society, they were deeply thoughtful, and they had a set of perspectives that I at least had never been exposed to before. They had committed crimes, and crime can do terrible harm, but what I took away from The Hamilton Project programs, and then again, from the TEDx Talk and the time I spent at San Quentin, was that while providing appropriate incarceration for people who commit crimes is certainly important, what it should

not do is deter us from addressing the immense injustices and deficiencies in our criminal justice system.

The people I spoke with on that call, and then they are much larger, there are several hundred people in San Quentin that were there when I gave my TEDx Talk, and we stayed for about five hours, had strength and weaknesses as we all do, but as one of them said to me, and I've never forgotten this, "We are all, every one of us, a lot more than the worst thing we have ever done."

And I left that call, and then the experience, as I said a moment ago, spending a little bit over five hours and San Quentin, with an internalized sense that these were people just like all other people, and they needed to be treated in a humane respectful fashion, an internalized sense of how unjust and counterproductive our system is.

At the San Quentin event, a former inmate said, and I want to read this because it's a direct quote from what he said, "I don't understand why, over

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the 18-year period of my incarceration, over \$900,000 was spent to keep me in prison, but then when I was paroled I was given \$200 and told, good luck."

That obviously is a terrible policy. It's a terrible policy for the people involved, but also a terrible policy for our economy and for all of us. And that issue, that issue of preparing people for release, will be the focus for today's program. The discussion will have three segments, we are obviously deeply honored to have with us Sally Yates, Deputy Attorney General of the United States; the discussion with her will be moderated by Ari Melber, Chief Legal Correspondent of MSNBC.

The first title will be entitled, Removing Barriers and Building Opportunities for People with Criminal Records. The second panel will be Policy Options to Reduce Recidivism and Aid Reentry. Both panels have papers that have been written by distinguished authors, and it's true all the papers of The Hamilton Project have been subject to rigorous academic peer review, and it also has, unlike most

academic papers, a practical policy orientation.

More broadly, as you can see by looking at today's program, we brought together a remarkable combination of people. We have university professors, we have people from civil society, from nonprofits, and then we have experienced practitioners, including, for example, the Sheriff for the Cook County of Illinois. We have a Senior Vice President of Koch Industries.

In accordance with the practice of The Hamilton Project, I'm not going to recite from the résumés, they are in your material, but as you can see, this is really a truly remarkable group of people, with highly distinguished experience and résumés.

I'll make just one further comment. We are unfortunately, as a nation, over time, as all of us well know, when our passes or policy dialogue in the public domain and the political domain had deteriorated and declined into ideology and partisanship for the most part, but the people who are

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with us today, have a seriousness of purpose around policy, as has The Hamilton Project itself, that is critical important for the future of our country. And they carry, and I believe The Hamilton Project carries, a flame for seriousness of purpose around policy during this very difficult time in our country's experience.

Today's papers are obviously relevant to the ongoing debate that's going on Washington with respect to criminal justice reform, but they also very much apply to the states and cities where most of the criminal justice process takes place.

With that, I would like to recognize the extraordinary leadership of The Hamilton Project, Diane Schanzenbach, our Director; with Kriston McIntosh, our Managing Director; and all of their talented and hardworking staff without which none of what we do could be accomplished.

And with that, I will turn the program over to Ari Melber, MSNBC, to moderate the open discussion. Ari, it's yours.

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MR. MELBER: Thank you so much. And thank you, everyone, for being here this morning. Obviously we have a lot to get to, so we'll get right into it. I also would echo the thanks to Hamilton and Brookings, and to all of you for being here.

Deputy Attorney General, Sally Yates, is in many ways the perfect person to have this discussion with us, Washington is a town full of hierarchy so you always want the most senior official possible, but Deputy Attorney General is not bad. But in some ways --

SPEAKER: Cheap substitute for number one, I get that.

MR. MELBER: In some ways, for those of us who follow these issues closely, and I don't think the Attorney General would disagree, she is better equipped because it is her portfolio that so focuses on what originally was called the Smart on Crime Agenda, on looking at over-incarceration, at looking at rewiring aspects of the drug war, looking at reentry issues. So, at a policy level, this in many

ways is the perfect current government official, which is why this is a great place to start, and I will start with the most elemental question, and then we'll get into it, and we'll take questions from the audience, and they will be on note cards to follow if you want to use them.

But to start us off, I wonder big-picture, if you could tell us what in your view, as a Former Prosecutor, as a Senior Justice Department Official, what is the purpose of prison?

MS. YATES: Well, first let me echo my thanks, both to Secretary Rubin and everybody here at Brookings and Hamilton, not just for this program today, but for your unrelenting focus on this issue. This is an issue that's been very important to the Obama administration, to the Department of Justice, and it's an issue about which I personally feel very strongly, not in spite of the fact I'm a Prosecutor, and have been for 27 years, but actually because of that.

And in sort of laying the groundwork

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question here: What's the purpose of incarceration? Well, you know, there are a variety of purposes that our country has focused on over the years, over the decades. The first is incapacitation, or protection of society from individuals who are dangerous. That's one purpose of incarceration. The second is punishment. The idea is that you commit a crime, you violate the law and you should be punished for it, and prison serves that purpose.

But a really crucial element, a crucial purpose of incarceration is also rehabilitation. Ensuring that individuals, while they are incarcerated, are giving the tools they need to be able to be successful when they leave prison. And that's something that frankly our country has a waxing and waning dedication to through our history. And particularly, in the '80s and '90s there was a shift away from rehabilitation as a really focal point of incarceration, and it was during the tough on crime, three strikes you're out, you know, every stated and the Feds kind of ratcheting punishment up, with the

idea that somebody commits a crime, we send them away for as long as we can, and that's how we are going to make our community safe.

And so, not only did we see a ratchet of in the sentencing, particularly for drug crimes, but we also saw a reduction in our dedication to the rehabilitation function. Somehow it got branded as being soft on crime, and hug a thug, kind of stuff, and so even in state systems where they actually had rehabilitation programs in place, they started taking those things away, and I don't know, for those of you who are old enough to remember, I remember campaigns in my own State of Georgia, where there would be a competition between candidates as to who could be the toughest on crime. Who could say that we are going to, you know, change prisons the most so that we are coddling criminals.

So, that's part of what has landed us, I think, where we are today, with a prison population that has just exploded. Where we now are 5 percent of the world's population, they have 25 percent of its

prisoners. Where we've seen our prison population explode over 800 percent since 1980, and that's where we are.

So, to me, what's really critical is that we re-embrace the rehabilitation purpose of incarceration; both because it's the right thing to do, but also because it's the smart thing to do, both from a fiscal standpoint and a public safety standpoint. And I promise, not all my answers will be that long. So you can ask more questions.

MR. MELBER: Well, when you talk about tough on crime then, and that's the term that everyone is familiar with, in terms of at least the campaign politics of it, in your experience being outside of the politics, is there a premise there then, that tough on crime actually just means being tough on convicted criminals, not necessarily tough on the incidence of crime, by which it means reducing crime rates.

MS. YATES: You know, as I think it's been hard for us as country to invest in things that will

make our community safer. Rather, we sort of have a reactive model, where somebody commits a crime, we are perfectly willing to pay whatever we need to pay to send them to prison. But yet, programs that we know, efforts that we know will actually prevent crime, and that includes recidivism reduction, that includes the things that we are talking about here today, that's a longer-term investment and that's a tougher sell with our country.

But to me, that's what so important that we get back to, is that long-term investment, that again, is not only the right thing to do, the right way to treat people, but also is fiscally a much smarter thing to do.

MR. MELBER: Something that your administration has worked on a lot is looking at the notion that we had a crime problem, at least at a certain point in this country in the '70s, we had a high incidence of violent crimes which concerns people the most in a lot of the big urban areas. Then you have crime rates essentially, dropped longitudinally,

you have the prison population explode. So how do you look at that from managing the Justice Department in these programs? And how much do you have to, at a federal level, care about whether that inmate population reflects the right proportion or doesn't, because ultimately you are managing it either way?

MS. YATES: Well, it has a dramatic impact on the Justice Department, and I think it actually has a dramatic negative impact on public safety as well. And that's because we've seen, since the '80s, the percentage of the Department of Justice budget that goes to the Bureau of Prisons has exploded as well. And so every dollar that we are spending keeping someone in prison for longer than they need to be there for public safety purposes, is a dollar that we don't available to spend on things that will make our community safer.

That includes prevention and reentry, but it also includes prosecutors and agents to be able to investigate and prosecute correctly. So we have been over the last couple of decades devoting so much of

our DOJ budget to prisons, it's crowding out everything else that we do, that actually will make our community safer.

MR. MELBER: So, walk us through some of what current exists to do the actual federal reentry, what you have been trying to reform or change, and then we can get to what you think needs to be done.

MS. YATES: Well, the Bureau of Prisons does a really excellent job with the resources that they have, but the fact of the matter is, is that we've seen the number of staff that we have at BOP shrink, because as much as the BOP budget is taking up more and more of the DOJ budget, it's still, in terms from a proportional standpoint, they don't have nearly the resources that they used to, to be able to provide services to inmates.

And so, as a result of that, programming has shrunk, waiting lists are thousands-long for things like the education programs at the Bureau of Prisons, or a really important program, that's Federal Prisons Industries, it's called FPI, UNICOR. UNICOR was

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actually put into place by FDR, and has long been the Bureau of Prisons' really most successful recidivism reduction program; a job training program that gives inmates an opportunity to learn skills while they are in the Bureau of Prisons, that they can use to make themselves more marketable when they get out.

But because there is no funding for FPI it has to be completely self-sustaining. We have seen over particularly the last decade, reducing profits to the point that over the last six years they actually lost \$160 million, and our projection was that FPI would go completely out of business, there would be no more UNICOR at the Department of Justice if we continued on this trajectory, so --

MR. MELBER: And that would be the main way that federal inmates have some kind of work while still incarcerated?

MS. YATES: It's work while they are incarcerated, but even more importantly, it's training for when they get out, and providing certifications to them. For example, whether it's an HVAC, or other

industries where they can then get a job when they get out. And so we brought a guy in, we thought, you know, the folks at the Bureau of Prisons are great, but they not really business experts, that's not really, they don't necessarily know how best to run a business. So, we found somebody who was a former Proctor & Gamble executive, who really believed in the reentry work that we wanted to do, and he has come in and completely retooled FPI, and for the first time actually, they showed a profit this year of \$3 million.

Now, FPI doesn't exist to make a profit, that's not what the goal is, but we have to be self-sustaining, we have to be able to make a profit to invest back into FPI to be able to expand the programs. We've had reduced them now, but we are working on retooling FPI, not only to be able to provide more inmates work and training experiences while they are there, but also to make sure that we are keeping up with the industries, where they will actually be able to find jobs, and to make sure that

the certifications that we are providing will actually be of use of them when they get out.

MR. MELBER: And I know for several years they were in the red, so that is news to people following that, that you are saying today they are profitable to that clip. And they sell mostly those products then to the federal government, the federal contractors? How does that actually work for people who don't understand, you know, what the long-term mechanisms are here?

MS. YATES: They sell to federal agencies, but they also sell to private parties, but they've got to compete obviously with private business for that as well, and so that's something to bring somebody in from outside, who has business experience and can work with them on the things that will make them an effective competitor with private industry, is really an important aspect as well.

MR. MELBER: What about the drug aspect, just broadly? Because on the one hand there's a very big discussion in the country about excessive war on

drugs, and about systemic racism within the war on drugs, I think that's a concept that at one time was considered a critique, or an academic, or a progressive point that has become mainlined. And, you know, we are not going to do too much politics today, but you have, as you know, Republican Senators who were also onboard with that, you have Senator Ryan Paul who has talked a lot about that.

So, that has become mainlined as a concern. Then you have the state-level policy issues of de-crim of at least marijuana and a different approach in a lot of places. But you still have a very large legacy of incarcerated individuals from drugs, and you have individuals who, let's be honest, aren't just dabbling in recreating pot in Colorado, which you can do or not, if you guys have the time. But who have serious addiction problems, right, and a system that may on the one hand want to change the level of punishment. But on the other hand, are we closer to getting to getting the treatment part of that right, so the people aren't suffering in the prison, or getting out

and immediately returning to what might be a health addiction challenge they can stay with them their whole lives?

MS. YATES: Well, you've raised two really important points there. With respect to the addiction issue, that's something that we've been trying to work on very hard, over the last few years. Within the Bureau of Prisons we have a program that's called, RDAP, it's the Residential Drug Treatment Program there. And it is very effective; it's shown to reduce recidivism by about 25 percent within the Bureau of Prisons.

The problem is, is that because of budget constraints, we have a long waiting list for RDAP, and so what we are trying to do is to convince Congress that we need more money to be able to invest in this program, so that more inmates in the Bureau of Prisons have an opportunity to address that really serious addiction issue that's fueled in many instances through criminal conduct to begin with.

Again, to ensure that they have the tools

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they need when they get out to be successful. We also have been providing grants to a number of states that are providing not only treatment while folks are in prison, but also are looking at alternatives like drug treatment courts, alternatives to incarceration where you have relatively low-leveled defendants there, who, again, that their crimes are fueled by their addiction, that we can do something that is more focused, and more likely to be able to impact what is driving them, than just putting them in prison for some period of time, and then putting them out at the end, and not being in any different kind of situation than they are to begin with.

MR. MELBER: And then what about this mounting opioid problem?

MS. YATES: You know, that is really the drug crisis of our day right now, and what we find is, is that the opioid problem that we have today, both for heroin and for prescription opioids, is oftentimes fueled by an addiction that starts on the prescription drug side. You know, we have six times more people

dying from opioids than all of the other illicit drugs combined. Now, that tells you that this is not just a public safety crisis but it's a public health crisis that we have in this country.

And so part of what we've been really working on hard at DOJ is trying to address both sides of his equation, the prevention side to educate folks about the dangers of prescription opioids, and the dangers that lie and just sort of leaving that medicine bottle in your cabinet when you've got a teenager in your house, or others that then, oftentimes get addicted to those prescription opioids that shifts over to heroin when they no longer can get the scripts, or just because it's cheaper.

MR. MELBER: When you look at Black Lives Matter, which is has had a large impact on the discussion on some of these issues, especially over the last year or two, do you view that as a movement that is helpful to some of these reform issues, or not relevant? Do you see it as political in the policy space, or something else?

MS. YATES: You know, my perspective on this is that it's important that we have all voices in this equation, we need to be hearing the perspective of everyone in our community. Those from law enforcement, those who have a different perspective and they'll be more hostile to law enforcement and everybody in between. And so I think that that is an important voice for us to hear. Yes.

MR. MELBER: When you worked a prosecutor, how did you look at look at all this? Because one thing that I -- I'll just speak for myself -- that I've seen in covering both federal and local prosecutors is, there does seem to be, even among whatever you want to call it, democratic administrations, more progressively-minded prosecutors, but still an overwhelming emphasis on racking up large sentences.

That if somebody does choose to go to trial, which is not the normal, we resolve these adjudications in the first place, but if they do, they are going to get hit hard, as you know; and so there's

sort of this baseline, even in a period of reform, that seems to equate a victory, right, or a positive outcome for the government, the prosecutorial side with a large sentence almost no matter what.

And that seems to be going on, maybe you disagree or pushback, that seems to be going on irrespective of what the macro attempts. And we've seen this by governors, we've seen this by this administration, macro attempts to say, let's pull back from the over-long sentences in the incarceration, but at the line level, you know, you don't go to trial and then ask for 20 percent of what's possible under the law.

MS. YATES: Well, look, I certainly can't speak for all prosecutors, and no doubt I'm sure that there are some that reflect a view that you just described there but, you know, as I mentioned that I've been doing this a whole lot of years, and I know this is going to sound very corny, but our core obligation as prosecutors, is not to send to people to prison for as long as we possibly can. Our really

sacred responsibility is to seek justice.

Now there are some dangerous people out there, and sometimes that means sending people to prison for a very long time, but what it always means is being fair and proportional. And the prosecutors that I know, really embrace that responsibility. They look not necessarily to send everyone to prison for as long as they can, but to look at the crime, and look at what is a proportional response to that, and in fact, I think that's why you'll see that there are so many prosecutors, not just me but others, who were trying to lead the charge on sentencing reform now.

Now we have a real opportunity I think in the federal system, where we have folks on the right and the left, coming together and agreeing that we need to rethink our approach to our federal drug mandatory minimum sentence. You know, that's not just on what the democratic thing, we've got folks, you know, from the ACLU to the Koch brothers that agree with this.

And, you know, there aren't many -- I

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haven't been in D.C. long, but there are not many issues on which you find that kind of bipartisan support. So, while I'm not going to be so naïve as to say there are no prosecutors that ascribe to the view that you just described, I think you will see that is an old way of thinking, and that the wave is -- among many, many prosecutors, is to recognize (a) that our responsibilities to be proportional, and that (b) this has a negative public safety impact because we are diverting important resources when we keep people in prison longer than they need to be there, away from other important public safety things that we should be doing.

MR. MELBER: I've gotten the first batch of questions, that we are going to go to, and you can continue to fill these out, out in the crowd as you see fit. Before I go to questions, one other item that is sort of the negative space in the painting, if you will, is we talk about drug crimes and some of those types of prosecutions is, the ongoing discussions about prosecuting financial misconduct and

individuals. You have as well, as people may know, but essential to that was something that's loosely called the Yates Memo, and trying to lay out how the department would actually pursue individuals engaged in potentially criminal conduct in the financial sector and other corporations.

I don't need to tell anyone here, there has been a view, that we can put this as neutrally as possible. There has been a view that since the financial crisis, a lot of bankers don't go to jail, and a lot of other people do. Whether that's good or bad, or just a product of the way Congress wrote the laws, or as some have alleged, a product of insufficient appetite at the Justice Department.

So, given that that's the negative space in the sense that those are a bunch of people who aren't in prison, as we talk about all these other people who are. I wonder if, as the author of that memo, you could just give us a bit of an update in your view of since the promulgation of that memo, and some of those policies, is your view that there are more

investigations, or indictments for that kind of financial misconduct. Or, what do you see as the update here on the road ahead?

MS. YATES: And for those of you who are not intimately familiar with the Yates Memo, and good for you if you're not, this was our effort really to take a step back and look at how were approaching a white-collar prosecutions. And to make sure that we were doing everything we possibly could to hold individuals who are responsible for those crimes to hold them responsible. And in doing that we've changed some of the practices that we've had internally, and we also changed what we expect of companies when they are cooperating with us in our investigations.

Again, not to go out and get some quota of corporate heads, but rather to make sure that we are doing everything we can to hold them responsible, because we know how important that is. That, you know, nothing deters corporation misconduct like the prospect of going to prison, and that we shouldn't have two systems of justice out there, where folks in

one socioeconomic group who commit one type of crime go to prison, but folks who commit a different type of crime don't.

And so, our purpose was to try to make sure we were doing everything we could. And we've seen a real difference at the Department of Justice already, in how our prosecutors are approaching these investigations. It can be something as simple as ensuring from the very beginning, even of a civil case when we are looking at a company, that we are looking at individuals from the very beginning of that case, and actually filing civil suits against individuals now, and not just the entities.

Looking at them from the beginning is essential, because if you do a corporation investigation, and you just look at the company for years, it's virtually impossible to go back and try to unwind that then, and focus on the individual. So, we've seen a real difference in how our prosecutors are approaching these cases. Importantly we've seen a difference in how corporations are cooperating with

us; we've told them from now on, if you want any credit at all for cooperation, you have to tell us who did what. That the sort of passive voice, mistakes were made, but you don't identify who, won't cut it anymore. No credit for cooperation.

And so, we've seen a real difference in the type of information that we are getting from companies. Now, I can't tell you how many prosecutions that will train (inaudible) into, and what that's going to mean, but that was never the goal to have a specific number, the goal was to make sure that we are fulfilling our responsibility, we are doing everything we can to make sure that those who are responsible are held accountable.

MR. MELBER: We'll go to questions. These are your questions. Here the first one, "DOJ recently announced phasing out private contractors for BOP facilities, some for-profit companies are entering into community corrections. What practices is the DOJ considering to ensure evidence-based services for reentry and recidivism reduction when privately-run

community corrections companies are involved?

MS. YATES: This actually is one of three areas where we've been doing a really deep dive at DOJ, and where we'll be announcing in a few weeks some significant changes to how we are running certain programs, reentry services at the Bureau of Prisons. And one of those is our halfway houses. And you mentioned, right now our halfway houses are all privately run in the federal systems but there are scores of contracts where there are lots of different providers that have many different statements of work, and so one of the things that we've been looking at is standardizing that statement of work, and having some very specific requirements about what those halfway houses must provide.

We'll be able to tell you more, but I can't jump ahead because there's an announcement coming in a few weeks on all of these things, but you'll see where we are going to be making some very specific requirements of these halfway houses to ensure consistency across the board as well as what those

specific requirements are going to be.

MR. MELBER: I have a question here that was written artfully, but is basically about Hillary Clinton or Donald Trump, so I don't know how you'll handle it, but --

MS. YATES: I can tell you right now, you won't get an answer.

MR. MELBER: But it's also more broadly about the future and about the sentencing reform and the (inaudible), some of what you've mentioned there. So, the question is, "The DOJ is doing a remarkable job at reentry, but are you concerned that with a change in administrations, whatever that may be, there might be a loss of focus on reentry, how should this focus continue after the election?"

MS. YATES: Well, I can tell you that I, and everybody else at DOJ, looking way beyond the 91 days left, that we have in this administration. But who is counting, right? And that's because we are trying to put in place, not only what we can do right now in this administration, but to have a framework for our

successors, a really detailed framework. In some of the areas where we are reforming in BOP in programming and education, and the work in the halfway houses, that will lay out for them: this is what we can do right now in the Obama administration, and here are the specifics of what we think needs to be done in the next administration; obviously up to them, whether they want to do that or not.

But you know this is an issue on which I think there is bipartisan support, whether it's President Trump or President Clinton, maybe I'm naively hopeful that everybody would recognize the imperative to follow through and to do more to equip people with the tools that they need. They recognize the imperative from the right-thing-to-do standpoint, but also the fiscal and public safety side as well. So, we are going to have a blueprint for them if they are interesting in following it.

MR. MELBER: All right. This says, "Since racial injustice is an institutional and systematic challenge, in this area what do you put in place to

make sure that reentry programs are not run disproportionately, and that there are opportunities for all."

MS. YATES: Well, certainly in the reentry programs that we are running within the Federal system here, that's an absolute imperative. And I don't think that that's really been an issue in the federal programs, but maybe somebody here will tell me otherwise, in the audience. But what we also do, a lot of our work in this area is done, not in the federal system because we have a relatively small percentage of the overall number of inmates in the country. Obviously the vast majority are in the state system, and the Department of Justice's work doesn't end just at the federal door.

We really do a lot of work in state systems as well through our grant programs. For example, over the last few years, I think DOJ alone has given \$440 million in Second Chance Act Grants that go to reentry services providers, all over the country that are providing services at a variety of ways, and there are

very stringent requirements to those grants, both in terms of qualifying for those, and in the follow up that's done later.

Now, I'm not going to pretend -- just as in any kind of grant, I'm not going to tell you that there won't ever be a problem with any grantee. I'm sure that there are some out there, but we work really hard to make sure that not only our programs are effective, the programs that we are funding, but that they are applied fairly and equally as well.

MR. MELBER: This is a question that touches on, I believe some reforms made it at the administration level, but it asks, "Is the Justice Department looking at the continued effects at the use of solitary confinement, and specifically its impact on how individuals reenter into the general population?"

MS. YATES: We have. In fact we have made a dramatic change within the Federal Bureau of Prisons, and how we are using solitary confinement that is being in the final stages of implementation now, which

will substantially reduce the use of segregated housing, solitary confinement in the federal system. And BOP has, certainly, work that they do, and as they move individuals from different security levels, whether it's from high to medium, or from solitary to wherever they may be going from there, I'm sure that there's more work that needs to be done there, but it's something that we are very attuned to.

MR. MELBER: I'm going on this final question, which is a good one, and kind of a blue-sky one. "If you had complete freedom to change any single thing about how we approach criminal justice in the United States, what would it be?"

MS. YATES: I only get one?

MR. MELBER: Only one, but it's anything. And this is a little like, if everyone remembers Aladdin, you can't wish for more wishes. (Laughter) Not allowed.

MS. YATES: Wow! I'm having a really hard time picking just one, but if I had to choose -- I'm going to give you one, but then I can't help but make

a plug for a couple more too.

MR. MELBER: Okay.

MS. YATES: But the one that I would give, I think that is sort of fundamental to all of this, it would be sentencing reform, not just in the federal system but in the states as well, you know, because through the President Clemency Initiative, I review all of the favorable recommendations that we are making to the White House, and I see individuals there who committed crimes that I think should be held accountable and ought to be punished.

But you know, there are folks out there that relatively low-level street drug crimes, and they came to the federal system, and because of the Three Strikes Law that we had in place, they then got mandatory life. You know, I read these petitions of individuals who will die in federal prison for a non-violent drug crime, and that's just not right.

And so I think at its core, while there are lots of other things we need to do, we have to have proportional sentencing. Not just because it's the

right thing to do, vis-à-vis these individuals, but because I've seen the impact that the absence of that proportionality has on the public's confidence, and their criminal justice system. And I think when the public loses confidence in their criminal justice system that it all falls apart.

And so that, if I have to pick just one on the spot, that's where I'd go. But we have other work in reentry and mental health, and policy community relations, all of these things are also really critical components of a criminal justice system that engenders the trust of the public we serve.

MR. MELBER: Excellent. Well, as we reset, with the next panel, is on Policy and Recidivism and Reentry agenda item. Please, join me in welcoming and thanking Sally Yates, Deputy Attorney General, for being with us. (Applause)

MS. YATES: It's my pleasure. Thanks, Bob.

MR. MELBER: I really appreciate it.

Second Panel/Policy Options... starts here.

MR. NUNN: All right. So, welcome back

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everyone. Thank you, for joining us for our second panel, Roundtable: Policy Options to Reduce Recidivism and Aid Reentry. So, welcome back. We are excited to start our second panel here. I'm going to give some very quick introductions, but then we'll get right to it. As with the panel, there will be an opportunity for Q&A at the end of this panel, so if you go to the cards underneath your seats, and write down any questions that occur to you we'll get to those. But first, I just think we have a terrific panel. I'm going to give some very quick introductions. The full bios are in your program.

So starting down next to the podium, we have Professor Anne Piehl, who is the Professor of Economics at Rutgers University, where she was a Director of the Program in Criminal Justice and has a distinguished record of research on a variety of topics including crime, incarceration and reentry. And Anne is one of our proposal authors today.

So, next to Anne, we have Nancy La Vigne. She is Director of the Justice Policy Center at the

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Urban Institute. She has written very widely and worked on a variety of problems around the reentry, and notably was part of the National Institute of Justice in the Office of Justice Programs in the DOJ.

And then next to Nancy, we have Sheriff Tom Dart, who is the Sheriff of Cook County, Illinois. There he is focused on a number of issues included those related to mental illness, and previously he served as a Prosecutor and also as a State Legislator.

Next to Sheriff Dart, we have Sister Donna Markham, who is the President and CEO of Catholic Charities, where she is the first woman to hold that position. Sister Donna is also a Clinical Psychologist who has worked extensively in behavior health services.

And then finally we have Fred Patrick who is the Director of the Center on Sentencing and Corrections at the Vera Institute. There Fred is focused on the role of education and credential attainment in reentry. Previously he helped lead multiple criminal justice agencies in New York City.

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So, with that, I'd like to turn it over to Professor Piehl for her presentation.

MS. PIEHL: All right. If can only get this screen going. Here it comes. Great. So, apparently all you have to do here is ask. So, thank you so much for having me here today to talk about a couple of ideas about putting time limits on the punitiveness of the criminal justice system, that's the topic of my talk today.

But I want to thank The Hamilton Project more generally for drawing attention to these issues. Some of us have been working on criminal justice topics for a very long time, and as we all know, much of the action is in the states and localities, but I think there's a real role for federal leadership, and I think that The Hamilton Project bringing attention to these issues is really helpful for getting serious policy attention to what could be some difficult issues.

What I'm going to talk about is a very small part of the overall criminal justice landscape. And

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I'm going to offer some policy recommendations at the end of my 5 minutes, so I have to get right to it. Policy analysis is hard work when there are tradeoffs and you are setting off some values or opportunities against other ones, but the part I'm talking about today is not very complicated. I'm going to set some, what I think are very reasonable solutions that don't involve a lot of tradeoffs. Because as the Secretary stated in his introductory remarks, there's a lot of area in criminal justice where we can improve both justice and efficiency, and improve things in the economy, and that is true in the area of reentry.

So, let me start with a little context, Deputy Attorney General mentioned a couple of these things. Just a graph to visually demonstrate what an outlier the U.S. is among other countries. So our incarceration rate is 693 per 100,000, far above most countries that we generally compare ourselves to, and far above countries that we often don't even want to be in the same conversation with.

This translates into nearly 1 percent of the

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adult population being under supervision by criminal justice system at any given time. And over time as more people move into the system and come out, we end up with a larger set of individuals who have past criminal convictions. It's a little hard to estimate, because we don't have great data on it, but about 10 percent of the U.S. population has criminal convictions, and everyone in the room knows that that's not equally shared across the population, those people are with fewer economic prospects, for example, are much more likely to have criminal convictions.

We are going to talk a lot today about collateral consequences. These are consequences outside the criminal justice system that accrue as a result of somebody's criminal convictions, and there are people on the panel who have more information than I do, about that, and more experience, and so I'm not going to go into detail on those. But are very wide-ranging, can affect your eligibility for benefits, eligibility likelihood of getting a job.

And although in theory we could be closely

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tailoring these collateral consequences to particular offenders and particular offenses, in practice they tend to be generally applied; anyone with a misdemeanor, anyone with a felony, having particular exclusions. And these exclusions inhibit the ability of those who are trying to aid in reentry to help people get back into the economy and into civil society more generally.

And then just as a reminder, all this is taking place in the context of having quite low crime rates by our historical standards; the lowest in my lifetime. So, this is main point I want to make today, and the main point that's relevant for the principles that I'm going to talk about in just a minute. And that is the critical time for reentry is immediately is immediately after release from prison, those are the critical times where people are at the most risk and need the most support.

So recidivism rates are quite high in the first year or two after release, but as time goes by, if one hasn't been arrested yet, one hasn't failed, in

the technological -- in the terminology of demography, they haven't failed yet, the chance that that you are going to get rearrested in your third or fourth or fifth year, if you haven't been arrested yet, get smaller, and smaller until it becomes really, not of practical policy significance.

Now if you can trust that which is a declining risk of criminality with the permanence of the status of being a former offender, and the permanence of these exclusions, you see that there's some opportunities for some very reasonable kinds of reforms. And that's all I'm talking about here today. States have implemented a number of these, but we are just getting started, a turn to correct what I think are some of the real overreach that happened over the end of the last century.

So these seem like common sense. I can give you some examples later, and there are some examples in the paper, but consequences of prior criminal convictions should be targeted to enhance public safety. Okay? It seems pretty common sense. I think

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that all jurisdictions that sentence criminal behaviors, state localities and the federal government, should establish a process for time-limiting information about the convictions, so that they should have a process, for some offences it might be permanent, but that should not be the default approach.

Therefore the limit should depend on criminal conduct, and the purpose of the inquiry. In Massachusetts employers get access to different information than prosecutors, than our people if you want to be a volunteer coach or something like that.

And then the final principle is really about retroactivity. We are having a bunch of reforms in the federal government and in states where we are reducing penalties, for example, when we legalize marijuana in small amounts we need to clear up the overhang for those people who have convictions for crime is no longer considered illegal. And so I think that we should think about, every time we consider one of those reductions, we should make as automatic as

possible clearing out the history so that we don't have an overhand that keeps people out of the economy when the risk to public safety is really minimal. Thank you. (Applause)

MR. NUNN: Thank you very much, Anne. I'd like to start with a question for Sheriff Dart. So, much of the discussion on reentry focuses on prisons and those incarcerated for relatively long periods of time, rather than those who are released after shorter stints in jail. These populations potentially have quite different needs, and the tools available to help them are pretty different. Should jails be a bigger part of our discussion, and how exactly would jail and prison pose different challenges for reentry?

MR. DART: Well, that's part of the things I've been trying to wake people up about. It's that, just in Illinois alone, this past year we had 30,000 people exit our prison, and I had, in my jail alone, 42,000 people exit the jail. And yet when you talk about re-entry 99 percent of the time I hear about it's almost always regards to prison, which is fine,

I'm not trying to lobby, don't do that, but you are missing the largest group of people who are leaving, going back to the communities that they came from.

And as the Doctor was just talking about now, if you look at when they are most likely to commit a crime, it's right after they are being released, and yet we have this large segment of the community that's coming into a criminal justice setting, into a jail, and they are being spit back out. And think about it, too, in my jail alone, just this past year, we had over 8,000 people, almost 9,000, whose cases were dropped.

So they sit in the jail for a period of time, then they are put back into the community, the same one they came from. Now when we started looking at the data, the data was astounding. The data showed that they are obviously going back to the same community they came from, but those communities, 60-some percent of the people leaving my jail were going back to 17 of our 59 zip codes, and those zip codes have 70 percent of all the violent crimes that go on

in the City of Chicago.

And the chances of them being engaged with it, being victimized by it, is off the charts. But what do we do, the tradition is in the jail worlds we do absolutely nothing, absolutely nothing, that's the tradition. And why is that? It's because most sheriffs frankly, most people in the criminal justice system don't really identify it as a need, and part of it is because it's difficult, because by the nature of it, it's a transient population.

When you are dealing with people in prisons, you know literally to the minute when they enter or when they are leaving. In the jail, I never know when people are leaving. And so sheriffs across the board have looked at it: that's really not their job. Their job is just to get someone to court, back and forth, feed them, make sure they don't get hurt, they don't hurt anybody else, and call it a day. What they did to get in, what they did to get out -- when they leave, we really don't care. That's not our job.

And you sit there and say to yourself: well,

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how could that be? Well, they feel that way (a) because they think that's their job, but then the other part, there's virtually no data. Think about this, I have the second-largest jail in the country. When I became Sheriff my entire jail management system was a DOS base computer system. And really, think about this for a second. As a society, the most impactful thing we could do to members of society would be to execute them. I think we have a degree of that. Take their lives.

The second-most significant would be to incarcerate them, and yet we don't know who we are incarcerating, how long we are incarcerating, what we are incarcerating for, because we think of people in that manner. We think of them as being so insignificant that they sit in jails and prisons for inordinate amount of time, particularly as it applies to jails.

And so that is pretty much what I had handed to me when I became Sheriff, and I found it as pretty much the norm, and the most obviously outraged -- the

most obvious outrage of the whole thing, of course, was what we, as a society, are doing with the mentally ill. We have criminalized it. We have said, if you're mentally ill we are going to eliminate all the programs in communities, and when the inevitable thing happens, you come in contact with law enforcement, and that will be a horrible event, mind you, because the changes of being violent is off the charts.

Then we are going to house you in a jail or a prison, which mind you, no psychologist or psychiatrist would ever suggest to you, is appropriate place to put somebody. And so that's what we have done. And in jails throughout our country that is what's going on today. Today this is going on, throughout.

So, at my jail we took up this challenge. We said to ourselves, okay, well this is what we are being given, we are going to deal with this differently, as opposed to the normal discharge planned from jails which is, literally, there's the door, goodbye. We changed it, and we changed it so

now, we sign people up when they come into our receiving for Medicaid, and we've signed up over 17,000 people in the last few years. We then have discharge plans for everybody who leaves the jail. It shows them where all the services in their community are.

If people can't get to their homes, I can't drive them there. People who don't have coats, we give them coats. People need help. We've sent up our own Sheriff's Mental Health Clinics out in the community. I took a boot camp that had absolutely no data support that it worked, got rid of it, and turned in some mental health treatment center, where we have doctors that work with individual's mental illness.

And the numbers though early, it's only two years into it, it's been startling, the first 30-day period of time, virtually no recidivism, which is completely off the charts when you are talking about a mental health population. The 60 days out numbers are just as fantastic. It starts falling off after, because we don't have the money to support them after

that. But we've done that, we've put together job programs for the individuals there as well.

And we got into the ability of trying to sit there and say, what is it we can do to try to integrate them back into the communities. If something is not being done elsewhere, we've eliminated solitary confinement which was a lot of push back from staff when I was doing this, so it's something I knew was right. And so I knew it was something that if we -- with our arms around this, the majority of people are going back to their communities, we have to do this correctly.

So, there are a lot of things we are doing, I've got a load of other programs that I can talk about, but I was given all of 5 minutes to do something, that I normally about for about 2 hours. So, I'll be happy to answer any questions when the appropriate time comes.

MR. NUNN: We'll hopefully get back around to it. But I'd like to ask sort of the other side of things, Sister Donna, can you tell us a little about

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what Catholic Charities related recidivism and reentry, and, you know, a little about what opportunities exist for nonprofits and religious organizations to contribute in ways what maybe are unavailable to the government.

SISTER MARKHAM: Sure, as was said. I'm a clinical Psychologist, and most of my professional life has been involved in our core cities, Detroit, Chicago, and across the State of Ohio, working with the seriously and persistently mentally ill, many of whom have been guests in the criminal justice system as Sheriff Dart shared with us.

What is so evident to me is that in any kind of programming that Catholic Charities is doing across the country, we've got to figure out a way and package wrap around services for people that are -- before they are released and then to welcome them back into the community. So, at Catholic Charities we serve about 8 to 9 million vulnerable people every year, about 14,000 last year, 14,000 who are either in prison or had been recently released.

And the challenge that we have is to combine intensive case management, job training, behavioral health and addictions treatment, mentoring and life's skills mentoring for returning citizens, and then housing assistance. Now we do that, as Catholic Charities, okay, so we had to raise all this money, which is our challenge, why we can't serve more than we are serving.

But I wanted to give you example of three programs that we have gotten data on, that are working, we are working closely with University of Notre Dame, and the Laboratory for Economic Opportunity to measure outcomes of our programs. So, the first one I wanted to share with you very briefly, is in Baltimore Catholic Charities Maryland Reentry Partnership, and it's an example of mentoring and case management. So what's happening there, as Baltimore joins ex-offenders with case managers and case advocates, many of whom have a history of incarceration, and the mentoring begins prior to release from prison jail. And participants are met at

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the gates as they leave, it's similar I think to what Sheriff Dart was explaining, he's doing it a grander scale in his jail.

But individuals then get he'll with housing, employment, substance abuse counseling and any other hurdles that are prohibiting their returning to some stable living environment. What's interesting is that there's a two-year community-based program that operates in five of Baltimore's toughest zip codes. And those are the zip codes where the prison population, jailed -- incarcerated go back to. Participants in this program, in the Maryland Reentry Partnership have a recidivism rate of 11 percent, this is after finishing the program, after three years, 11 percent recidivism compared with the national recidivism rate of 51.2 percent in the same period of time. So it's working.

The second one I want to talk to you is Catholic Charities Kansas City Turnaround Program which is an example of the Federal Second Chance Act Grant Program. The Turnaround is a service that

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provides basic essentials to individuals being released from prison. That includes safe and permanent housing, food and clothing, connecting clients to intensive case management, job training, life skill coaching, and inmates have the ability to sign up for the program before they leave prison, and have access to them as soon as they get out. Turnaround clients in that program have a recidivism rate of less than 12 percent over a three-year period. So, we know it works.

So, a third one is Catholic Charities in Northern Nevada Crossroads Partnership, which is alternatives to using incarceration as a means of addressing substance abuse and homelessness. So that program is a collaborative between Marshall County Sheriff's Department, Social Services, and Catholic Charities of Northern Nevada.

They are providing living arrangements for men and women transitioning from substance abuse and homelessness to productive and fulfilling lifestyle. Clients are given a safe environment, they are housed,

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they are provided with wraparound clinical services, including drug and alcohol counseling, employment support, volunteer work opportunities to get a track record so they can gain employment. And the data indicates that Cross Roads is saving the community more than \$15 million per year in jail bookings, encounters with first responders, emergency hospital visits, et cetera.

Average length of stay at Cross Roads is 102 days, 600 clients have been served since 2011, and 96 percent of those residents now are volunteering in the community in some way; 25 percent of them have been reunited with their families, and 100 percent of program participants are clean, sober, and working towards their personal goals. So, we are proud of that.

The difficulties, just a couple of challenges that we are facing, lack of resources clearly, we don't have enough mental health care practitioners, they are not getting reimbursed, this is where their two systems are both overlapping at a

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crisis level, so lack of resources being put into reentry programming, into clinical care. And even when we do have resources the program is dramatically underfunded. And it hasn't been -- Or it hasn't been reauthorized, and faith-based and community-based organizations are often not called on to participate in planning of these programs, even other we are seeing are from all walks of life and all religious backgrounds, et cetera.

Then we need to identify, and we need to do -- another challenge. We really need to do very, very serious outcome measurement of the effectiveness of any program that we are doing. And the need for evidence-based programming and scaling up is a challenge for all federal and social service programs, as it is for the faith-based nonprofits.

So, I think the presentation of The Hamilton Project's Report, is a good contribution toward building awareness of these challenges on how governments and communities can meet these challenges together. And then the third challenge I think is our

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need to build bridges between prisons and communities. A lot of this has to do with humanizing the face of the person. Coming to know the person who has gone through a rough period in their life and is trying to get back on track, that is a human being.

And if that person should not be demonized in the community, but we have a lot of work to do, in building those kinds of bridges, providing contact between families and incarcerated individuals while they are in prison. Being able to remove barriers to housing, employment, the checking the box problem, and then trying to create partnerships between correction of facilities and social service organizations in the jurisdictions in which we all work, so that we can facilitate the reintegration and begin that process long before a person leaves the prison or the jail, and we can try and help them. So those are a few ideas from the trenches.

MR. NUNN: All right. Thank you, Sister Donna.

SISTER MARKHAM: Sure.

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MR. NUNN: So, I'd like to turn now to Nancy. We've heard a little about the Second Chance Act, but I was hoping you could expand on some of the relevant federal initiatives launched over the last several years, including the Second Chance Act, and what works in the Reentry Clearinghouse.

MS. LA VIGNE: Okay. Thank you so much. It's such a pleasure to be here, and it's great to see The Hamilton Project elevate this very important issue. It's really difficult in 5 minutes to cover all the territory of all the federal initiatives, and I'm thankful for Deputy Attorney General Sally Yates for covering some of that territory already. I feel kind of like a mother who is asked to choose among all her favorite children.

But I think I'll start at the federal level, and then describe state and then describe local, and then what works in Reentry Clearinghouse and the Second Chance Act, relate to all of that.

So, on the federal level, the Urban Institute was privilege to be able to staff and

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provide analytic support for an initiative that was actually started by Congress, and it was a congressionally mandated task force called the Charles Colson Task Force on Federal Corrections Reform. And that led to the release of a report, of recommendations earlier this year that we had hoped would lead to actual legislation, obviously that's not going to happen in this Congress, but it's rich with recommendations, it was a nine member of Blue Ribbon Panel, that included both Conservatives and Liberals, Republicans and Democrats representing a lot of expertise across the federal system.

And the key findings and recommendations very briefly were -- they took a very bold stand on prison being used really as a last resort, very sparingly, and they took a very bold stand on mandatory minimums, and said that that mandatory minimums should be employed only in the rarest of cases. They also supported, enhancing rehabilitation and reentry both behind bars and in community and support and supervision for everyone.

Lots of emphasis on diversion, and importantly on measurement, transparency and accountability, so any of these reforms really need to have teeth, people need to see that they are having an impact, they are being implemented as intended, and all federal players the need to be held accountable.

So hopefully that will have wheels in the New Congress and we'll see some movement that will help reform the system moving forward at the federal level. But we also know, as Sally Yates acknowledged earlier, that at the federal level is just one small piece of the puzzle, and each state has its own criminal justice system, and many of them are engaged in reform, and they are increasingly open to thinking differently about prison, and who should be housed there and for how long.

And that the Justice Reinvestment Initiative is another federal initiative that Urban is involved where there's an assessment partner, and that is working, and at those states and localities, to help guide reform through the use of data and analysis

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answering the questions that Sheriff Dart had raise earlier. Even understanding who is going to prison, for how long, why, when they are released, who ends up returning to prison and why, that's a big piece of puzzle as people are getting revoked, often not for new crimes but for violating conditions of parole.

And how can you change the equation?

Identify people who could be diverted from incarceration altogether, as well as figuring out that sweet spot of a term of incarceration for those who, for whatever reason really need to be behind bars, sentence length in this country are terribly long. And I don't think that people really take a step back and think about what it means to be incarcerated for two years, or five years, or seven years. Sentence length in the U.S. dwarf those of other countries, both developed and other countries.

And so one question I think we are looking at actually analyzing at the Urban Institute is, how long does the sentence need to be to achieve whatever rehabilitation goal or confinement goal is the purpose

of the sentencing to begin with? So, justice reinvestment, this is happening at the state level, it's also happening at the local level, and encouraging local jurisdictions to engage in the same kind of collaborative decision-making that's driven by data and evidence.

We were also, and have been for a long time, as Sheriff Dart --it was probably around the same time that you took off to relaunch the transition from sheltered community initiative, which is supported by the National Institute of Corrections, also part of the Department of Justice. We work with over a dozen jurisdictions do exactly what you're doing, with a focus on system-wide reform. So not only putting the burden on the jail, the warden or the sheriff, but engaging all manner of community partners, because as you well know this is a comprehensive challenging problem that really involves a whole host of players in solving.

So then, I'll just lead into the Second Chance Act, that's a federal initiative that's been

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going on for probably about a decade now, and the federal government has poured hundreds of millions of dollars into states and localities to help seed reentry programs, to help provide technical assistance and support. These programs are varied; they include both the state-level demonstration programs to the support of local mentoring initiatives, faith-based initiatives, and so forth.

And the Urban Institute has evaluated some of those programs, some of those evaluations are underway, but we also had the opportunity to develop what's called the What Works in Reentry Clearinghouse. And that is an effort to, in one place, identify all the rigorous research that has been done, the evaluation work, and all manner of reentry interventions. And as you can imagine that spans a wide array of types of programs, and includes housing, and it includes mental health, it includes supervision strategies, you know, substance addiction treatment programs, and so on and so forth.

I would love to say that you could go online

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and just find your silver bullet. Just go and say, work release, I just need the roadmap for me and what works for work release. And it's just not the case. I think that what we've done is demonstrate that something works for everybody; we've also shown a very bright light on the lack of rigorous evaluation out there. There were a lot of evaluations, but very few are rigorous and, you know, are empowering enough to terms of scholarliness of the way the research is conducted to be something that should be used as guidance.

And most importantly very, very few of them, kind of look under the hood, so there's many rigorous evaluations that can say whether a program works or not, but very, very few actually do what we call process or implementation evaluations, and so if you do, your very most rigorous gold standard evaluation of something, and you find out it doesn't work, you don't know if it's because the whole concept of -- let me just use work release as an example again, if it doesn't work, or if it was a failure in implementation

if you haven't bothered to look to see how the program was implemented to begin with.

I think I'm out of time, but I'm happy to answer questions later.

MR. NUNN: Very good. Fred, I'd like to turn to you now and ask, you know, what do we know about the role of education in facilitating successful reentry and what can we do on that front?

MR. PATRICK: Well, before the deep dive on education, just a few overarching comments. I think we've lost sight as a society that the actual sentence, the criminal sentence from the judge is the punishment. So what we do in the places of confinement, prisons, jails, should not be about punishment. Two, if we care are successful reentry, as I think we all do, and as Anne talked about the greatest time of being at risk is immediately upon release, it means focusing on reentry preparation from the day you arrive.

So, as a part of the intake process, thinking about the needs the educational needs, the

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training needs, and other needs of those individuals. So that they spend their time incarcerated productively engaged in the things to promote successful release. Thirdly, when we think about the spatial inequality of the incarceration, it is very clear that what you do programmatically in education in prison also possibly impacts particular communities in ways that can have an enormous impact. Where places like Garfield Park in Illinois where the incarceration rate is 40 percent higher than the closest predominantly White community.

So I think it's important when we think about education in prison, it's not only the individual student there that benefits, but the benefits that extend out to the family in the community.

Fourthly, when it comes to education, which was really your question, you can't find a better investment in terms -- Nancy just talked about the importance of research, so what we have in 2013, the RAND Corporation did the largest-ever meta-analysis of

education in prison. And what did they find? RAND found that those who participate in education in prison are about 43 percent less likely to recidivate.

And again, that's a term we also use, and we've gotten very comfortable when talk about recidivism, but let's peel the onion as to what that means. Not only is that sort of rule violations, but that's also people who are not committing additional crimes, that's less victims, that's less victims that our community is being harmed.

What else do we know? That people who participate in education in prison are anywhere from - - their hours of employment go from 13 to 20 percent greater, more likely than those who don't. The other thing we found out, and this is huge, at a time in which we all are about whether that would being good stewards of taxpayer dollars, for every dollar invested in educational prison, is a 4 to 5-dollar savings, in terms of reduced reincarceration costs.

So, it's not about giving individuals who are there something, it's about how we as a community

benefit, because then those hours are available to be reinvested on the frontend towards crime prevention, better schools, better schools, better highways, whatever we have as a community or our values.

The other thing that education does quite frankly is, it does what most of us were told early on in our lives, in households, that education is that bridge over troubled water. It gives you the communication skills, the ability to see things, the ability think clearly, it's the ticket to a job, and think about it. We now live in a country in which by 2020 two-thirds of our job openings will require post-secondary education, not even a GED High School Diploma.

And yet the incarcerated population is extremely undereducated, only 37 percent of the folks incarcerated in our prisons do not have a GED High School Diploma, and 78 percent don't have a post-secondary credential. In a world in which you need more than even the high school diploma to succeed, so in every way we should be thinking about how it is

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that we use the opportunity of incarceration, use that as an opportunity, if you will, to provide education, provide high quality education as a bridge to individuals being able to get those jobs, come home take care of themselves and their family, be taxpaying citizens. And truly I'm thrilled that the U.S. Department of Education, and the U.S. Department of Justice, earlier this year announced a Second Chance Pell Pilot.

And so as we sit here today, you have 69 colleges and partnership with over 100 prisons across the U.S. in 28 different states that are providing high-quality, post-secondary education in prison, because that's the key. We are living in an information society, when vision should come home, not only having had access to high quality education, but certainly knowing how to access the internet, certainly how to do keyboard.

I mean, you don't want an individual because of the long sentences that Sally Yates and others talked about. You have individuals who, now, come

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home, they come home to a world with smart phones, they come home to a world where everything you do is pretty much Internet-based, and yet in many of our facilities there is an access to even local Internet - - intranets. So it's a huge issue, and I think education is pivotal in that regard.

MR. NUNN: Is there anything we can do in jail context, or this really a prison focus?

MR. PATRICK: Well some in the jail context. I think often what happens with jails is we fall into the trap of thinking there are only short-term places of detention. Because you do have the pretrial population that is theoretically being held only as their case is being adjudicated, but the reality is in many places if you were to deep dive on the average stay in jails, those individuals who aren't bailed after their few days are likely to be there for many, many months, if not years at a time.

And so you do have an appropriate opportunity to intervene and provide high-quality education. It's a myth that, ah, we can't do

programming in jails, because they are not there long enough. Well, I think Sheriff Dart is proving that differently, and then when you look at the sentence population, the short-term sentence population, or the sentence that a year less, and who, by and large, are also held in jails, certainly there's an opportunity to intervene there.

MR. NUNN: All right. I'd like to take the conversation back to something that Anne Piehl talked about. So, it's clear the collateral consequences, you know, well after the spells of incarceration can be applied fairly indiscriminately, they can last for a very long time, or permanently. Just to give one quick example, in Massachusetts, if you are an applicant for licensure as an apprentice sheet metal worker, you can be barred from licensure due to any misdemeanor, or any felony at all. No matter how long ago that was incurred.

So, in light of -- and you know, this is one example among many. In light of this what should be doing to try to sort of reduce these collateral

consequences?

MR. DART: I know in our state we have some equally ridiculous laws as well that make no sense, and I think it is a question of (a) finding out about them, because I think most of the people are oblivious to the fact that there are all these prohibitions that a thoughtful, logical person would say this makes absolutely no sense whatsoever and then going about addressing it. This past year I got three different laws changed in our legislature on expungement, and one of them was the most contentious one, which was saying, literally, if your case is dropped and you are found not guilty we weren't going to charge you \$150 do expunge your case.

And I kept getting pushback from our state police who administered, but also got the \$150. And I kept trying to explain to them, do you understand, they didn't do it, okay, you are missing this obvious concept here. They didn't do it. This cannot be a revenue generator. And so, you have to have these type of discussions with people, and you have to be

very, very focused, because we worked with a couple of local groups who've been very involved with expungement over the years as well, and we found some of the major hurdles where the fact that if you had any conviction in our state, no matter how long ago it was, it prohibits you from getting anything else, ever expunged.

So, if you had been convicted of, say, a burglary back when you were 19 years old or something, and you are 20 years down the road, and you pick something up that's expugnable, you couldn't do it. And so we were able to get that done. What we found was a lot of legislators, once you actually sit there, and I think it helps coming from me, because a lot of the soft on crime, type of thing gets dissipated somewhat, when it's actually someone in law enforcement saying, when you have them coming forward, saying, listen this is really stupid guys, we've got to undo this. They jump onboard a little more.

MR. PATRICK: I think with respect to the collateral consequences, it goes back to my earlier

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point, and that is the sentence, the time you have to serve to be the punishment. Once you talk out that door, you should be able to move on with your life. I don't like the term collateral consequences, it minimizes just how significant it is. Let's call it what it is, its barriers to economic opportunity and success in this country.

If I have a criminal conviction in some states, I can't get a barber's license, I can't come home and be a barber to make money to support myself and my family. That's what collateral consequences. They are barriers to real economic prosperity.

MR. NUNN: And obviously for, you know, recidivism and entry too?

MR. PATRICK: Absolutely!

MR. NUNN: So there, Nancy?

MS. LA VIGNE: This is more subtle but very timely collateral consequence, and that is the right to vote. So, most people under supervision across the country do not have the right to vote. And I would argue that if we are going to have people reintegrate

into civil society, they need that right, they need to feel they are part of society in all aspects. We did a study many years ago where we interview people behind bars, and then following their release from prison, are two to three times over the course of year following their release, and one of the questions we ask them is, after release if you were able to vote, will you?

And I don't know what you might guess that response rate to be, but I was intrigued to learn it was about 79 percent across the board, that folks really want to vote, and I think it's very important.

MR. NUNN: Thank you. Anne?

MS. PIEHL: Yes. I just wanted to pick up on what the Sheriff said about fees and expungement, because they are widespread. I mean, we have a lot of fee collection in this country in our usual places, because we are not fully our government services directly. So, for expungement often is a fee collected even if you did commit the crime, but it can -- to other restrictions. Like, you can't have other

obligations to the court.

You can't owe back child support. You can't owe other restitution fees, et cetera, and this makes the expungement system, differentially available to people based on economic class. And I think that there's just a simpler way to do this in certain cases, and that is just to make it automatic. In Oregon, they did think about the expungement of past marijuana possession convictions, but you have to go to the county where it happened, you have to pay a fee, you have to file.

And why do that, which is much more work when they are routinely approved, it's not as though there's a big discussion about meritorious cases or not. Why not just do it on an automatic basis? And the same could apply in that case, and it would be super cheap for the authorities to do.

SISTER MARKHAM: As a practitioner of this, one of our Catholic Charities agencies in Syracuse, New York, I believe, they are trying to take the ex-offenders and set up small businesses, social

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enterprises that are sponsored through Catholic Charities, so that we can hire folks to actually be gainfully -- you know, get some dignity back in their lives.

So, one of the creative ones, I thought this was one of the more creative, was that Catholic Charities spun out a workforce that would -- that contracted with the cemeteries in the city, and trained the ex-offenders to take care of the grace sites across this whole big area. So, they got contracts for people to be gainfully employed, waiting in an area that wasn't going threaten anybody, and could give somebody a little bit of some experience in grounds keeping, and get something on their résumé, so that they could move forward. But it's that kind of creative thinking that are the workarounds until some of these other issues are addressed.

MR. NUNN: Very good. So, I'd like to talk a little more about mental health now. We've had some discussion of this already, and certainly an increasing discussion in broader society about the way

that our incarceration system has substituted for the declining rate of mental health institutionalization. So, what should we be doing specifically to provide mental health services before and after release? And can this play a big role in reducing recidivism?

MR. DART: If I can just jump in, this is something that we took on about four or five years ago, and it was something I knew had been going on, because I walk around our jail frequently, and it literally, you had a hard time distinguishing what a person would normally, would believe would be a mental health unit from a jail, because that's what you had there. And so we did -- We didn't take long to dig into what was going on.

I mean in our state particularly, we had eviscerated all health programs, and we were one of the top ones, and I've always found it compelling that when you look around the country once is a national issue, 44 of the 50 states jail or prison is the largest mental health hospital in that state. And in our state I'm the largest. And so with that influx we

obviously said, you know, there is no political will in our state to change this, so if they are going to make me be the mental health hospital we are going to be the best one.

And so I started bringing on mental health professionals, and started -- reorganized my office, got rid of correctional positions, put them in mental health positions, retrain more correctional officers in advanced mental health training, and then we started treating like patients. And so when they come in, they are met by mental health professionals, we identify them, we diagnose them, they then are put in different settings, depending on how acute they are, and then we have them in different programs.

And then I referenced earlier, I had a boot camp program that I had inherited, that I didn't find any utility there, it's off the compound. It's somewhat, that (inaudible) said, you know, (inaudible) hearts and gardens, I started moving my mental health population out there to put them in a more therapeutic setting, brought doctors onboard. We had the most

engaged group of people that we work with there, and our whole purpose is to get them ready for the streets.

And we have job training, and we work with the family, the family support groups to get the families reengaged. We were on a 24-hour hotline, when they were released I drive them home, or to where they need to go. When they need help getting to appointments we would drive them there. And I've opened up some of -- Chicago shut down a bunch of their mental health clinics. I reopened one of them that I'm running now.

And so we really took this on in the notion that, if this is what's going to be foist on us, we are going to do it very, very well. And it's been something that we have been -- We've had people from around the country watching how we do it. This was not hard to do, that's the point I try and make to people, just having the will to do it. And it's very difficult because -- Nancy and I talked about this in earlier times, because you get misled frequently,

because you get people saying, what are you doing in your jurisdiction about mental health issues?

And you have people rushing to a microphone and say, well, we have a mental health specialty course, and then the debate stops. In my jail, I'll have about -- a third of my population is diagnosed with serious mental illness. So on an average day it's about, you know, 2,500 people, and in our entire year, our mental health courts collectively handled 200 cases, 200 cases. And so you have to get involved with things that re scalable, and not just something that sounds good that doesn't have an impact there, so it's very doable, but it requires changing your mindset.

MS. LA VIGNE: I think one of the real challenges that face this whole mental health issue, is the fact that because of what's happened is the decimation of services, and the lack of reimbursement, and that's why we are really advocating aggressively on The Hill for mental health reform. But part of the difficulty is we have some of our lowest-trained

people that can be paid very minimally, surveying our sickest individuals.

So you are dealing with dual diagnosis. Many people in the criminal justice system, and in the locked wards, focus with a dual diagnosis with a severe mental illness, and usually some form of opioid addiction, and so then we've got people that are getting released, and who really get to go to community mental health? A Bachelor's-level social worker who does not have the training to deal with the complexity of these issues, because there's no funding to hire the people that need to do the serious work, so it's a very complicated area, and I think it's an overlap area between what we are doing with criminal justice issues, and what we are trying to do with mental health reform, and they've got to come together.

MR. NUNN: Anne?

MS. PIEHL: That's the exactly point that I wanted to make, is that when someone is in the criminal justice system, and has a mental health

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condition that very serious, then law enforcement has to deal with the person --

SPEAKER: Right.

MS. PIEHL: -- because law enforcement has to take all comers, right. And the mental health systems don't always reach out to that population, and partly because of the funding, and part of the training, but I think we need to engage that part of the system that direct mental health system is much more than they need to be engaging in this part and not leave it just alone.

MR. NUNN: We have some great partners, so I didn't want to miss on that. But we've got on the outside from lot of groups, but their difficulty always is capacity, but the money is also short.

MS. PIEHL: Capacity, yes. Mm-hmm.

MR. NUNN: Fred did you want to --

MR. PATRICK: I just want -- We should just be careful though because I really admire the work that Sheriff Dart does, and I have a respect for correctional leaders, the reality is though that we

really shouldn't assume that jails and prisons are the best places to deal with mental health --

GROUP: (Crosstalk)

SPEAKER: Yes.

MR. PATRICK: And so while you are doing terrific, those are Band-Aids.

MR. DART: Yes.

MR. PATRICK: We need to find the political will and resources to deal with mental health issues in the community, through diversions programs, through upfront community programs in a treatment, because again, yeoman's effort, but the reality is, you have thousands of prisons and jails, most of them are going to come nowhere to the level of commitment, staffing and resources you need to do what you need to do.

MS. LA VIGNE: And a lot of that is about policing and training police to identify --

MR. PATRICK: Absolutely!

MS. LA VIGNE: -- people in mental health crisis, and divert them from the criminal justice system altogether.

MR. NUNN: We are going to go to the Q&A pretty soon. But I wanted to get one more question in. And this is sort of a big one, for everyone, for anyone. So it's become clear, I think, that people of color are disproportionately impacted by the criminal justice system, and that they also face unique challenges in the labor market. Are there targeted reforms we should be thinking about that relevant here, or is it sufficient to focus on the shared problems of people with criminal records? If I knew this would either be a question that got crickets, or that it generated a great deal of discussion.

MR. PATRICK: Again, I think in terms of education and prison you can't find a better investment. It's connected to jobs, it's connected to public safety, we all grow up for the most part knowing that education is key. Education is considered this public good in part because we understood that it doesn't just -- the benefits don't accrue just to that individual but to a broader society. And so in so many ways, ensuring that you

have high quality education in prison, is huge.

MR. DART: And if I can -- I'm sorry -- I couldn't agree with you more. And once again, once we actually started spending time, which most people contend it's really not my job to start pouring through all this data and trying to figure where people come from and where they are going. But once we started pouring through that, we found that the populations were in fact all going back to the same communities, and most of their communities are of color, and that the issues in those communities were what you would expect. They were very distressed, and both some of the poorest performing schools, but all the other issues that you would imagine too, as far as the lack of job opportunities, and the rest of it.

So, yeah, I mean if we are going to address this problem, we have to be laser-focused on where the issues are, and that there are (inaudible) that do it, but we can't avoid that issue, because I mean, it stares us in the face every day at our place.

MS. PIEHL: Yeah. And so when you are

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asking about targeting the area that comes to mind, for me, is in the area of sentencing. The types of crimes, and the sentences that people receive, are very different by race, if you look on how people are (inaudible). And so the kinds of concerns that the Deputy Attorney General left us with, like very long sentences, mandatory minimums, et cetera, if you begin there, you are going to affect African Americans disproportionately quickly. And so in sentencing, targeting which offenses you think about, is certainly true.

MS. LA VIGNE: Can I just repeat my answer to the last question. Policing, they are the front line of the criminal justice system, that's a big part of the problem, and a big part of the disproportionality.

MR. NUNN: Very good. All right. So, we can move into the Q&A portion. We have some great questions from the audience. There are, unfortunately, too many to get through in the time we have remaining, but I'll take a few of them. So, one

is a very specific question for -- possibly for Nancy or for others. "What do you see as the major opportunities and deficiencies in the corrections portion of the Sentencing and Corrections Act for the Senate?"

MS. LA VIGNE: Oh, goodness! Rally? I'll pass on that, I wasn't prepared to answer that question.

MR. NUNN: Anyone else have any thoughts on that one? But we have a number of other questions, so we are --

MR. DART: Here is one that has already struck me as pretty mind-boggling that it hasn't already been addressed everywhere. But obtaining identifications, proper identification is often a major problem for reentry in the society. How is this being addressed? You know, what are the next steps? What can we do on this? It seems like something that wouldn't be that difficult to accomplish.

MS. LA VIGNE: This is interesting. When we did our study of reentry several years ago, one of our

states was actually Illinois, and we interviewed people behind bars, and followed them, as they said, a year after the release to find out their perspectives and what facilitated successful or unsuccessful reentry. And, you know, did what researches do, get into these multivariat regression models, controlling for this and that and the other thing. And one of the significant predictors was having a picture ID upon release, and that was predictive of, guess what, getting a job, staying out of prison or jail.

And that actually led to some reform efforts in Chicago, and we found similar findings in Texas that -- Actually I'll take that back. In Texas, which was a subsequent research site for the study, we made sure to include that question, and we found that I think maybe 94 or 98 percent of our respondents said that they had a picture ID, and we thought, wow, Texas. What are you doing? That's great. And they are like: Where did you find that?

We came to find out that they were all referring to their Texas Department of Criminal

Justice photo IDs; which, as you can imagine, are not particularly helpful, when you are thinking housing and employment on the outside.

MR. PATRICK: Two states that we work with at Vera, (inaudible) Pathways from Prison to Postsecondary Education Project, Michigan and North Carolina, I think have it right. You have correction agencies by and large public, they report to the governor, you have DMVs, whatever you call them, public agencies report to the Governor, you care about the individuals coming home, and having to choose who they need, and ID, and official valid ID is a part of that.

You have those two Cabinet Secretaries or appointees come together, and you have them figure out how to do it. And so both in Michigan and North Carolina, you have the DMVs who were actually scheduled rotating appointments at the various facilities, to ensure that individuals prior to leaving have an official ID which is a part of their packet that they leave with. So, it's pretty

straightforward, if you care about it and you know it's a need, and you have two departments that work for the same governor in 50 states, then you do it.

MR. DART: And most of this stuff is not rocket science, to be honest with you. I mean, what would you need if you were housed in a location for a year, two years, three years, and then you were being released, what are the needs you would have. They are pretty self-explanatory, but unfortunately government has put hurdles up, in almost all the different categories, so we are talking about them while the others area, too, is housing.

I mean, literally, that is such a difficult issue for so many people, because different states have prohibitions, and they sign convictions that you can't get involved with public housing. And so the very basic things that you would need to succeed when you leave, states and locals have thrown hurdles up in front of them. And I think the idea is just an obvious one. Because I mean; what can you do nowadays without one?

MS. PIEHL: It's like, if we could money up front and case managers who could actually walk somebody through that system... about in terms getting ID, getting a place to live, working towards some kind of employment, or community service volunteer work to start, but they need a case manager, and if we are so stretched, and we don't have anybody that's here, then these folks just got lost. The homeless population is another that's in the same boat.

MR. NUNN: So while we are talking about the immediate process around the lease, another good question here, what do we know about the importance of family for that immediate process?

SISTER MARKHAM: I'll take that.
Referencing the study I've already describe earlier, that was one of the most interesting findings I think we found, when we has just interviewed folks behind bars, we asked a whole host of questions about their support networks and families, and I didn't want to pause here just to be clear what I mean by family. We let people self-define family; we didn't use the kind

of traditional middle-class, nuclear family definition.

It could be a blood relative, it could be a partner, whether legal or not. It could be a friend or someone they consider to be like family in their lives. And we found a couple things. One is that most people could identify at least one person who served in that type of role. The other is, part of the released we asked what their expectations were for family support, and they found, both emotional and tangible support. So, both being there for them, and providing a place to stay, and financial support, and so forth, and those expectations were tremendously high. And we thought, oh, boy, ah, they are going to be in for a big disappointment.

We know how these things work. When you are behind bars you have this kind of rosy sense of your relationship. You know, they are going to put all this faith into their family, and when those expectations aren't met that's probably going to lead to a downward spiral. What we found was the contrary.

That those expectations were met and often exceeded, and we found in our fancy models that family support was critical for people finding jobs and for people refraining from substance use.

MR. DART: And we found it too in our working with the mentally ill population, that I mean, for all intents and purposes, really, the only support system they have is family. But as many of the men -- and it's mostly men, we have a female population but it's always relatively small though it's been growing. They will always tell you almost to a person, how much they had hurt their family, and how they burned them out, and they do not argue with the fact that they are no longer wanted.

And so we took that upon ourselves to put together a family support group where we would reach out to families, and try to reunite people, part of it just the obvious reason, we would have nowhere else to go. But in doing that, we were able to explain things to the family that they'd never had explained to them before, about mental illness, and about the issues

involved with it, and about how to call us if you have an issue, and we train our police officers in CIT training, and our staff as well. So, we'd send people who know what they are doing, out to the house to help deescalate issues and things like that. But it was absolutely imperative to really make that jump there because it really is the only support system.

SISTER MARKHAM: There is a lot of research out that proves that with the serious and persistently mentally ill, that building into the discharge plan, some form of family, whatever family is, as Sheriff Dart says, or as Nancy said, but to build into that system, a discharge planning, the meeting with the family, and the actual planning with the family to take a supportive role on reentry. And that those folks make it a lot longer, and a lot of times have actually been able to function quite productively in the system, versus those that have nobody.

MR. DART: We literally drive people to the houses now because of just what you are saying, absolutely what you are saying.

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SISTER MARKHAM: Yes, I'll do it. Yes, it's absolutely proven, so it's a part that needs to be put into every program. We are certainly doing that with the Catholic Charities agencies to building ht family component.

MR. NUNN: One of the audience members was curious about something that Anne very briefly mentioned in her presentation. "In some states the amount of information that's provided during a background check depends on the type of requests, or so. You know, certain type of employer might get information that a landlord might receive." So, I guess this question is first for Anne, but also for others. You know, is this a model for other states? Is this a way forward?

MS. PIEHL: Well, I think it is, which is why I wanted to mention it. And I described it a little bit in the paper. But it's a very attractive model but requires more infrastructure from the state than some of the approaches. But does the state has to have we'll-functioning warehouse of information,

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and provided in a way that's easy and attractive for employers and other people to obtain.

But then once that is set up they can decide what levels of information are appropriate to what kind of request. And I went online, and you can do this too. The first thing you have to do is document what kind of requester you are. Are you an agency, are you a volunteer organization, are you an employer, and then it will determine both what types of offenses and how far into history it's appropriate for you to know.

For example, people who are hiring instructors for a daycare, for example, would have access to information about offenses against children forever, right. But if you are interested in, you know -- if you are an employer that isn't working with children you might have access to information for a shorter time period.

MR. PATRICK: A question connected to that. We need to, I think, do a better job at encouraging champions, employers who are champions of hiring

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former incarcerated individuals to step forward.

Johns Hopkins Health System in Maryland, one of the largest employers in the State of Maryland, does a terrific job, and they publicize, they brag on it, and it's a health care operation, by the way.

Most people think that that's probably not what you'd find, but because they are a large health system, when you think about the range of jobs in different arenas that you have in a large health system, it allows them to be really, really role models in that regard. And by the way, they've been doing an analysis of the outcomes when they hire.

And guess what? On every measure, from promotion, misconduct, filings, et cetera, there's no difference whatsoever between the former incarcerated folks, and those who have never been. So, in every way it's about, how do we begin to, not just look at the laws in terms of being in the box and background checks, but literally finding employers and having them step up and say, we really do believe in second chances, and then we are going to put our money where

our mouth is, by like employing individuals. And then not just employing them in low-level jobs but advancing them and promoting them on the merits. That's the society that we say we are.

MR. NUNN: I think this has been a tremendous discussion. We are going to break for about 10, 15 minutes and then get back here for our third panel, which will also be great. But please join me in thanking our panelists. (Applause)

(Recess)

MS. SCHANZENBACH: Thank you. Welcome back. We're going to get started again. Thank you very much. We've got one more terrific panel that we're going to turn to now. As soon as you quiet down that's what we're going to do. Don't make me use my mom voice, all right, because I can do that. I can do that.

All right. Well, thank you very much. Welcome back. I'm Diane Schanzenbach. I'm the director of the Hamilton Project, and we have another terrific panel for you today. The full bios are, of

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course, in your program, but I'll do a brief introduction.

To my left here is Stanley Richards. He's the senior vice president of the Fortune Society and is himself a formerly incarcerated individual. He oversees all of the Fortune Society's programs and he was recently the recipient of the White House Champion of Change, so we're very proud to have you here today.

Mark Holden next to him is the senior vice president, general counsel, and corporate secretary of Koch Industries. Thank you for joining us.

And then next to Mark we have Jennifer Doleac, who's an assistant professor of public policy and economics at the University of Virginia's Batten School of Public Policy, and one of our authors today.

Then next to Jennifer is Angela Hawken, who is professor of public policy at New York University's Marron Institute of Urban Management.

So I would like to start by inviting our two authors sequentially, not together, to give your presentations. So Angela Hawken, welcome.

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MS. HAWKEN: Good morning and thank you so much to the Hamilton Project for the opportunity to be here. It's so fun to be part of this forum. What I'm presenting on today is a co-authored paper. I'd like to acknowledge my colleague and friend and collaborator, Mark Kleiman, also from the NYU.

We heard from Robert Rubin earlier about the \$900,000 spent on me in custody, but \$100 at the gate or \$200 I think. That was a lucky state because many states it's much less than that at the gate and that big divide. Well, we think of that huge divide as a potential opportunity and a glimmer of hope for what we think might be real prison reform.

Reentry is easy. It's reintegration that's hard. I had that lesson taught to me in a very aggressive way by the Black Prisoners Caucus in Washington State. Angela, I can reenter, it means walking through the gate. Reintegration, reassimilation, that's where the hard work starts, especially for people who have been institutionalized so long that they have forgotten all the good habits

of how it is to live freely among other people.

Our current reentry strategy forces people to go from a situation of no liberty, but complete security, overnight to a situation of full liberty, but not security. And they can't handle it. They just can't handle that sudden freedom and all the responsibility with what the new freedom means.

In your prison you receive your shelter, you receive your clothing, your food. You are told what to eat, when you will eat it, and how long you may eat it for. So coping with that new-found freedom is an enormous practical challenge. You know the usual list: there is anxiety, there's the unstable housing, there's the limited employment prospects, there's the cognitive overload that comes from managing all those enormous new tasks that you have to figure out in the community on day one. And we know so much from the literature that cognitive overload leads people to make very bad decisions. We force them to make bad decisions with our current reentry policy.

And most of them will bounce. More than a

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half of them will come right back to the prison they're released from within three years of release. And why are we surprised given our reentry strategies? We should all of us collectively feel the urgency to try something new and today what we're doing is trying to offer you one idea of what should be a host of ideas of something that might be tried.

Depending on the state you live in, we spend either 10 or 20 times more money a day on you as an inmate than we will on you as a parolee. We think that difference in expenditure is where promise lies. If we can move some of that money from the in-custody experience to the in-community experience, we think there's opportunities for hope.

So this is our proposal. Our proposal is called "graduated reintegration." What we'd like to do is smooth the transition from prison where everybody's infantized you -- is it infantized? Infantilized? I can't speak today. Where you have been told exactly what to do and everybody does it for you to the day where you step out of that gate into

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the community. We want to make that transition much less stressful and set people up for success rather than for failure. But that requires having the resources to wrap around them in the community to ease that transition.

We'd like you to think of graduated reintegration as training wheels for freedom and this is how it works. It starts with better preparation in custody. When Mark and I first wrote about this idea I think a year ago, people thought we were crazy until we actually had an active pilot and, suddenly, it wasn't so crazy. There was the political will to try something new.

In our pilot the first individuals who have been selected for freedom will be identified in December, when they will start their personalized reentry program in custody and they will practice reentering for six months and learning all the good things that they need to know: financial literacy, how to cook a meal, how to plan to live among others.

And they'll be released in June. Starting

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June next year, they'll be released with the status of prisoner into the community. This release will happen before their earned release date. In other words, they would have been in custody; they're releasing into the community. And the beauty of releasing them before their earned release date is that huge hunk of money we would have spent on them in prison is going to transition with them into the community.

This means they can have resources.

Scattered housing, not institutionalized housing, not a halfway house, not a work reentry program, scattered housing in the community, individual apartments where they will learn to live among others and take responsibility for their own lives. They'll receive a subsistence allowance that they will learn to manage.

And there will be rules, of course. These are prisoners living freely among us in the community. There will be rules. And if they comply with the rules, their freedoms will increase. If they misbehave and they violate the agreement that they made as part of graduated reintegration and that they

volunteered for, then there will be more restrictions imposed on them.

Financial literacy is enormous among low-income populations and especially newly released populations. Teaching them how to manage money is a big deal. And instead of that mad dash for employment that we force on them because everyone's so desperate to get bread on the table, we'll take the first crappy job we can get to eat, cycling in and out from one bad job to another bad job and learning how to get fired over and over again is de-motivating. Finding the right job for the right person, finding employment that can stick is the path to recovery. And that means taking a little bit of time to let that process happen. With graduated reintegration you don't have to find work in the first month. You have time to find what works for you.

There'll be close monitoring. Missteps will lead to ratcheting up of supervision. There is no custody. You will not return to prison for any technical violation. The only time you'll return to

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prison is if you commit a new crime.

We will motivate you aggressively to do well. Every time you achieve within the program you are reinforced for that behavior and quickly. The first reinforcements come in the first week of freedom. You've behaved yourself, you've done what you're supposed to do, you've complied with the terms after week one, your curfew is increased. You have more opportunities for visitation. You have more discretion over your spending. These positive behavior reinforcements we know from the literature drives behavior.

We have a problem in figuring out how to allocate supervision resources and services to individuals in general. What graduated reintegration will use is a model I call behavioral triage. We will let them be central to their own freedom experience and they will know they are in charge of that experience. If they would do well, we will lean back and allow them greater and greater freedom. There is nothing worse than over-supervising somebody in the

community. Bad things happen when we over-supervise and we set up so many barriers that no one can ever comply with the long list of things we've told them to do that none of us sitting on this stage could comply with.

And if they're not doing well, we lean in. We give them more supervision, more resources until they can find their feet on their path to reintegration. The goal with graduated reintegration is that by the time we actually reach that earned release date, the date at which that person legally is no longer a prisoner, they're simply a guy with a job in an apartment who has learned the good habits of living among the rest of us. They're not a guy terrified at the gate with \$40 in their pocket and a bus ticket to most likely nowhere.

Graduated reintegration is the beginning of a momentum of people like me and others who are fed up with the status quo. It's broken, we all know it, and we do so little to change it. We are eating around the edges.

So what we'd like to do with graduated reintegration is to kick-start a taste for something new. We have no idea if this is going to work. We are launching it now; we'll see if it does. But we want to really impress upon all of you how desperate we should all be and how aggressive we should be in seeking out alternatives to the status quo. We have to. The fiscal and human costs of our status quo are just too high.

Thank you. We launch in December.

(Applause)

MS. DOLEAC: Hi, everyone. Thanks for coming today. I'm going to be talking about how to improve employment outcomes for people with criminal records.

So we all know that employment is a crucial step towards successful reentry, but we also know that it's difficult for people with criminal records to find a job, and there are a few reasons for this. On average, this population has low levels of education and work experience relative to the typical worker in

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the economy. And this means that they are competing in the low-skill labor market for the most part and that's a tough market to compete in even without a criminal record.

But we also know that there's something about that criminal record that worries employers. And our policy challenge is to find ways to make employers less reluctant to hire people with criminal records. When we're trying to figure out how to do that, it's helpful to put ourselves in employers' shoes. The vast majority of employers simply want to hire reliable, productive employees. The problem for them is that it's very difficult to tell from a job application who's reliable and who's productive. That's often not revealed until weeks or months on the job. And so employers are forced to use the little information they do have from a job application to figure out who's likely to be a good fit for the job.

This process of screening applicants based on limited information that is statistically correlated with underlying work productivity and

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readiness is something economists call statistical discrimination. It's extremely common. We're all pretty used to employers asking about our educational attainment. That's not because they care about our college degree, per se, but that college degree is often correlated with skill level and diligence and motivation, and those are things the employer cares about.

Similarly, it seems that many employers consider a criminal record to be a useful signal of work readiness. We talked about the high rates of mental illness and substance abuse and high recidivism rates, especially among those who are recently released, and so employers do consider a criminal record to be valuable information.

The problem for society, of course, is that if employers condition employment on having a clean criminal record, that obviously disproportionately hurts particular groups in the population, especially black and Hispanic men. So our instinct in this context is often to take information away. If we wish

that employers didn't care about a criminal record, we might tell them they are not allowed to use that record anymore.

But what happens when we remove information that employers do consider a signal of work readiness? They don't just throw up their hands and pick people at random. They're likely to statistically discriminate against groups that are more likely to have the traits they're trying to avoid. In effect, this winds up broadening the discrimination for a few members of that group to the entire group.

And there's plenty of research evidence that this happens in a lot of different contexts. There have been a lot of policies that have tried to take information away and usually those policies have had the goal of reducing racial disparities in employment and they actually increase racial disparities. They make it harder for black men in particular to find jobs.

So let's talk about Ban the Box. Ban the Box is a very popular policy right now that prohibits

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employers from asking about a person's criminal record until late in the job application process. But it doesn't do anything to address employer's concerns about this population and so they're still motivated to try to avoid interviewing and hiring people with criminal records. So when we take that information away, it's very likely that this increases statistical discrimination against groups that are most likely to have recent criminal convictions, particularly young, low-skilled black men.

And there have been two recent papers -- one by myself and my co-author Ben Hansen, another by Amanda Agan and Sonja Starr -- that have found that this is, in fact, happening; that Ban the Box is increasing racial disparities, primarily by making it more difficult for black men who don't have criminal records to find jobs because they're not able to signal their status to employers.

We're not yet sure what the benefits are to men who do have criminal records. It's possible that some people are benefiting from this policy. But

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what's becoming increasingly clear is that the unintended negative effects for especially young black men without records are very large and they should be taken seriously.

So in my proposal I lay out five principles for increasing employment for people with criminal records. And these policies all really are aimed at trying to directly address what employers are worried about, so that we can find ways to make them less reluctant to hire people with criminal records.

There are several ways to do this. To group them into two broad categories we can invest more resources and energy into actually improving the average work readiness for people with criminal records, some of the ideas that we've been talking about so far today. If a criminal record isn't strongly correlated with work readiness, then employers won't care about it anymore.

We can also find ways to help people with records more clearly and credibly signal their work readiness to employers, so the best applicants can

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find jobs and employers can find them. These principles point to a whole host of policy alternatives that are very likely to have much larger benefits for ex-offenders as a group and they're much less likely to have the unintended consequences that employer regulations, like Ban the Box, are currently having.

Thank you. (Applause)

MS. SCHANZENBACH: We have a lot to talk about. Let me start, Stanley, with a question for you. We really admire the work you all are doing, the Fortune Society, and so tell us, put it in some context. How big is this issue? And tell everybody about the work you all have been doing.

MR. RICHARDS: Well, thank you for having me here and being part of this very important conversation. At the Fortune Society we see about 6,000 men and women each year. We provide a range of services, both on the back end when people come home from prison and jail and on the front end trying to divert some of our young folks from going into prison.

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We provide everything from alternatives to incarceration, mental health counseling, substance abuse treatment, housing, permanent housing, scattered site -- a range of services.

And the two issues that we're talking about today, one around Ban the Box and employment, is critical. We run an employment services program. We see about 700 men and women in that program, and we place about 60 percent of them in jobs at \$12 starting wage. So we recognize the critical importance of employment for people coming home from prison and trying to rebuild their lives. And anything we can do as a society by putting in policies that allow for the leveling of the ground, so to speak, for people competing for jobs should be something that we should be doing as a society. So we appreciate the opportunity to talk about some of these policies. And at Fortune we see firsthand the power of those policies.

As you started, I'm formerly incarcerated and when I came home, I applied for jobs and nobody

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would give me a job. Nobody would allow me. Everybody said you needed to have the experience, but nobody afforded me the opportunity to get that experience, and that's after obtaining my GED when I was in prison, going to college and graduating from college, and really began to see my own value in my life and what I could bring to the table. It took me a tremendous amount of time and effort to get employment.

MS. SCHANZENBACH: Before when we were chatting, you had a really interesting analogy about teaching somebody to swim and how that relates to reentry. Tell us, that was terrific.

MR. RICHARDS: Yeah, I often sort of coin the phrase, I said reentry in jail and prison is like teaching someone how to swim outside of the pool. You teach them how to swim for six months, you teach them how to stroke, and then when you feel that they're prepared, six months of being prepared, you take them to a pool and you say jump into the deepest end of the pool, and you expect them to swim. And that's what

reentry is like. It's like throwing somebody in the pool after you've taught them how to swim without ever being in the water. And that's the graduated reentry process. We need to be able to allow people to practice the kinds of skills, the kinds of behaviors, the kind of interactions needed to have successful reentry.

At Fortune Academy, our housing program, we have a community meeting every Thursday where we talk to the residents, and that's what we do. We tell them that this is a laboratory for you to be vulnerable, for you to be experiencing disappointment, for you to celebrate successes in obtaining jobs and completing substance abuse treatment. This is a time for you to unpeel the jackets that you had to have when you was on inside in order to survive. Because if you use the skills that you used when you was on the inside, you're absolutely guaranteeing that you're going to go back, so you need to develop a new set of skills and that's what we do at the Fortune Academy.

MS. SCHANZENBACH: Thanks. Mark, people who

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are not deeply familiar with this area are often surprised to hear that Koch is working so diligently in this area, including prisons, sentencing, reentry reform, the whole -- every part of it. So the extent of the broad political coalition that is building here is quite remarkable. So tell us what Koch is doing. What are you doing? How did you get here?

MR. HOLDEN: Well, and thanks for having me, it's great to be a part of this discussion. It's a very important one.

We got here as an employer, but we got here looking at the landscape in the country and the reality is that our criminal justice system is just another failed big government program. It picks winners and losers and the winners are the wealthy and connected. As Bryan Stevenson said or has said and continues to say, we have a system, our criminal justice system, that treats the rich and guilty better than it treats the poor and the innocent. And unfortunately, he's right. And even more unfortunately, guilt and innocence are largely

irrelevant in our system. And I said that, but it's not me just saying it.

For example, Judge Kozinski, who's a Conservative Libertarian, 9th Circuit judge, and Judge Rakoff in the Southern District of New York, have both said it. People plead guilty every day in this country to things they didn't do because they can't afford to fight the government. And so that alone, if you care anything about the Bill of Rights and about human beings, which we do at Koch, we want to remove barriers to opportunity.

We want to also help keep our communities safer. So if you care about those things and that's part of your vision, this an area you have to be in because, at the end of the day, the criminal justice system, it's immoral the way it's set up. It violates the Constitution in many respects, not the least of which -- I'll just pick one; there's many we could talk about -- is the Sixth Amendment right to counsel, especially if you're indigent. That is violated every single day by the government that's supposed to

provide you with a defense lawyer; they don't. And public defenders and court-appointed lawyers to me are heroes, but it's not funded. And the same government that's supposed to be providing that lawyer, instead prosecutes you and makes you agree to some counts that you didn't even commit just so you can get out of prison earlier, and that's unjust.

And the last part is it's fiscally ruinous. We know this. The numbers, you probably talked about them earlier, but the ones that stick out to me in particular it's 250 billion-plus a year hard dollars, maybe close to a trillion in other costs, but 80 billion a year on incarceration in this country. And that's three to four times more per capita than we spend on education in this country. So if you are what you eat, you definitely are what you spend, so that tells me we want to incarcerate people more than we want to educate them.

Last piece real quickly for me from a personal side, I grew up in Western Massachusetts, and the best job I ever had before I went to law school I

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was a prison guard. And when I worked in the prison, I saw a number of kids I went to junior high and high school with, and these were kids that were same school, same church, same neighborhood, same everything, yet I was working there and they were living there in the prison. And the only thing I could figure out was that I had really good parents that kept me from going astray and they may have had really good parents that tried to do that, but it failed because any one of us could be caught up in this system. And so for us at Koch humility is a key component, a key part of our principles. And so everyone needs to be humble here that any one of us could get caught up in it and every single one of us, including people in prison, are capable and worthy of redemption.

Again, to quote Bryan Stevenson, each of us is more than the worst thing we've ever done. So that's what motivates us. (Applause)

MS. SCHANZENBACH: Thank you. That might be the first time ever that Koch has been cheered at

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Brookings. (Laughter) Hopefully, it will not be the last.

MR. HOLDEN: I've never been cheered at Heritage yet. (Laughter)

MR. RICHARDS: Way to go, Mark.

MS. SCHANZENBACH: Well, welcome to the tent. (Laughter)

So, Angela, I wanted to start a quick question with you because you made me nervous at the very end when you said we have no idea if it's going to work. And that, we are an evidence-based policy group here, and that is not true. Right? Your graduated reentry is built on a system of different interventions that we know individually work and you are trying to assemble those in a new and innovative way. Yes? Do you take back what you said earlier?

MS. HAWKEN: I'll take a middle -- you might find this unrewarding as a response, but I think we should -- graduated reentry actually is a really solid theoretical basis grounded in evidence, but I think we should have space to try things that are shiny and new

and radically different. So I think you can --

MS. SCHANZENBACH: And to evaluate.

MS. HAWKEN: And to evaluate. There's a very strong evaluation component here, right, so I think -- but even the design it is right now is thoroughly evidence-based, is evidence-based and grounded in that. But I'm going to say to push back and little bit, I think we do need innovation in this field and to be willing to try things that haven't been tried before and then wrap really good quality research around them.

MR. RICHARDS: Right, and I also think it's built off of what we know does not work, and that's massive incarceration. Right? We know that doesn't work. We know that men and women transitioning home need supportive housing, affordable housing. We know they need a job. We know they need support around mental health counseling and substance abuse treatment. So all of the elements of the graduated reentry are elements we know people, one, need and, if we provide it, makes a difference for men and women

coming home.

MS. HAWKEN: One more tiny pushback and then I'll really shut up about this. Something I've been speaking about regularly is that we shouldn't allow the language of evidence-based to hold us back. I mean, it should be something that's helpful rather than something that really stifles us. And I keep reminding audiences that a horse-drawn carriage was an evidence-based program. And so we need to be careful of not allowing ourselves to become too limited by only focusing on things that are currently in existence and have been evaluated and being willing to evaluate and try something new.

MS. SCHANZENBACH: But you are trying to.

MS. HAWKEN: We are, yes, and it's being evaluated.

MS. SCHANZENBACH: And it matters what it is. It's very important, too.

MS. HAWKEN: Middle ground has been reached.

MS. SCHANZENBACH: Excellent, thanks. So then I want to actually ask a follow-up about how

graduated reentry is going to help reintegrate formerly incarcerated into employment since so much of this is talking about, you know, helping with employment, especially on the employer side.

MS. HAWKEN: Right. So I think we have five minutes and it's really -- even in the paper, you know, it's very limited space to elaborate on all of the details, but each of the individuals who -- in December they'll begin to be identified and they'll have six months to work on their personalized reentry program, and the big emphasis on that is employment.

Now, we're actually starting to look at some programs in other countries where there are some systems doing really, really well at linking inmates to employment prior to release. There's a Yellow Ribbon program, for example, in Singapore, where, I mean, really, 90-something percent of the inmates are released to employment that they've held for a while prior to reentry. So looking at those models and doing the inter-graduated of integration.

But then earlier we had -- an earlier

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speaker talked about, you know, how we really need to have more case management around these individuals. And we can really think of the parole agent in this model as being quite different from a traditional parole agent. You transition from having kind of a prison guard who's looking after the person in prison into this guardian in the community. And the role of this guardian in the community is to help this individual seek out appropriate employment and to facilitate that. But they'll have a little bit of time. The period where they don't have to rush to get the first job, where they can seek out appropriate employment, we hope that that will also be protective, but remains to be tested.

MR. RICHARDS: And I hope the model includes what we know people need, and that's the skills, right, to have an opportunity to go into a vocational training program. At the Fortune Society, for many years, we had a model that was two weeks soft skills workshop with rapid attachment to the market. The market changed, right? So what we've seen is that

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formerly incarcerated have always been at the back of the line. The line has gotten much longer now because of the skills gap with what's market and what's skilled. And so we've started adding vocational training programs to our offerings, so we started offering hard skills training, environmental remediation training, CDL driver's license, culinary arts. We started expanding. We said one model isn't for everyone. There are some people who are going to come home and be able to go to the soft skills and right into the world of work. There are others who need to get the skills in order to be competitive in today's market.

MS. HAWKEN: And from an -- I should stop. From an employer's perspective, there might also be a little bit of comfort in these hires, the graduated integration hires in that there is more monitoring and it's applied to a typical parolee. So you can really see the justice side and the employer working together to make sure that this person is coming to work and is fit for work and is behaving safely at the workplace.

MS. SCHANZENBACH: I wanted to turn the conversation a little bit toward Ban the Box. This has been sort of a signature initiative for the White House and they've noted great successes for many, many employers who have voluntarily decided to Ban the Box.

Mark, I wanted to ask you, you know, about Koch's experience with this.

MR. HOLDEN: Yeah, we were one of the inaugural signers, Koch Industries and Georgia Pacific, one of our subsidiaries, of a fair change business pledge, and we were very proud to do that and partner with the White House on these issues. Our experience, again, I've been with the company 21 years and I started out doing labor and employment law. When I started with the company, and back then when we had a box on the application, we always followed the EEOC guidelines, which are, well, okay, that's one data point. What are the other data points? How long ago did it happen? What's the person like now? What's the job about? Who's the best person for the job?

So we employed that type of analysis all the time. We're fairly analytical and we want to know the whole person. And given my experience, given people like Charles Koch and David Koch, David Koch was one of the original funders of Families Against Mandatory Minimums. So they're Libertarians, they're classical liberals, they believe in freedom and the Bill of Rights. They believe in second chances.

So if you believe in a just system, you have a system that enhances public safety and it provides second chances for people trying to redeem themselves. That should be the pillars of a just criminal justice system, period, in my opinion.

So part of that, though, obviously, as we're talking about it, a big part of it is a job because a job is a lifeline. A job is a way back into society. And if don't have a job, it's have hard to succeed in general. When you have a criminal record, it's very hard to get a job, we know this. One in three people in this country have some type of criminal record. That's a lot and it has an impact on a lot of

different aspects of your life. And these are all -- these collateral consequences that I'm talking about are imposed by the government and they restrict your ability to get jobs, to get licenses, to get loans, to get housing.

I have a friend here in D.C. who couldn't go on a school trip with one of his kids because they were going to National Zoo and 20 years ago he was in prison and he still can't shake that. It's the scarlet letter "F" tattooed on people's bodies. It's not fair because any one of us, again, could be caught up in it.

So we've hired people with criminal records for a long time at Koch. The last couple of years we just got rid of the box on the application because it's largely irrelevant to us. We want to get to know the whole person. We know that with the number of laws out there, the number of issues that come up, the way we use our criminal justice system in ways it was never intended to deal with issues like health public issues, like addiction or mental health issues or just

poverty or whatever it is, and we know people make mistakes, we interview people, we get to know them. That issue comes up usually organically when you're talking with someone about something in their past, what happened, and they bring it up. And then we decide if they're still the best person for the job, and it's worked very well for us. We don't think it should be forced on people by the government.

If the government wants to help here, they can reduce some of the 50,000 collateral consequences that are imposed on people with criminal records and clean their own house up with their own hiring if they want to do it that way. But let private employers make that decision.

And what we've learned over time is that people with criminal records are really an untapped resource. There's a lot of people out there and once you get proximate to the issue, you realize why people go to prison in this country. I knew it from a young age when I worked in the prison. You see what happens. It makes you much more comfortable hiring

people who have backgrounds in the past with criminal issues.

And the reality is we've hired people who were great employees. They're humble, they're hungry. We just hired three people on a work release in Wichita to come work for us, and it's really turned their life around. It's so inspiring. It's a win-win proposition.

And on the converse, as I like to say, we've hired people, we hire a lot of people from all the fancy schools, and they've had the best degrees and the glowing recommendations and all this other stuff, and they're terrible employees. (Laughter) They're whiny, they're entitled, they lack integrity, and some of them have stolen from us.

So, anyway, we've just learned that it's really a good thing to do. It makes sense from a business perspective when you have, as we do, 100,000 employees. We're in a global talent hunt, so it doesn't make any sense to exclude one-third of the workforce at the outset.

MR. RICHARDS: Yeah. I just want to thank Mark and the Koch Brothers for being out there. Their voice is important in this process because I think Fred Patrick mentioned earlier on the earlier panel that Johns Hopkins proactively hires formerly incarcerated people and did a study and looked at what are the impacts of hiring formerly incarcerated versus those without? And I think Fred said that there were no real differences with disciplinary actions, terminations, promotions, and that sort of thing.

And it goes to what you said, Mark, is that one-third of the folks out there who are given a second chance and there really is no difference other than some got caught, some didn't. And we ought to be giving people second changes.

MR. HOLDEN: Absolutely.

MS. SCHANZENBACH: Yeah. Jen, did you want to weigh in? Do you want to draw a distinction between voluntary and mandatory?

MS. DOLEAC: Yeah. I think it's important here to distinguish between the policies that I and my

co-author and this other paper were analyzing were government policies that prohibited employers from asking about information that they cared about. And I think Mark just made the key point, that they decided as a firm that this information is irrelevant to them, which means that, you know, you could have the box on the application or not. You aren't going to pay attention to it. And so banning the box in that sense is different from the government policy that bans the box where you're actually removing information that employers want.

And so I think there's a lot of room here for employer education, for you to go around and tell these stories and try to convince employers that they shouldn't care as much as they currently do, and that would be wonderful. That would be unambiguously good for people with criminal records, for young, low-skilled black men who are currently being affected by these issues. But I think that's a really important distinction to make.

MS. SCHANZENBACH: Another thing that Mark
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just brought up that I wanted to draw your attention to, and I know we spoke about it on the other panel, as well, but we just think it's extremely important, which is this notion of what were collateral consequences, although I'll change my phrasing around that.

But I wanted to put up here our 12th fact in the document of facts about incarceration and prisoner reentry. We put a lot of facts in here on sort of the reentry, the situation around reentry, but just take a look at this. It's highlighted different states. States in green ban formerly incarcerated individuals from accessing the social safety net. Ones in blue allow blanket rejections of getting occupational licensure. Ones that are hash both of those do both of them. And the ones that are highlighted ban voting. And so you can see, you know, a state like Mississippi, you're banned from all three: voting, the social safety net, and occupational licensure.

So, Stanley, I was going to open this up to you, but I would love for everyone to weigh in on this

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if you'd like. How does this impact your success for reentry? I mean, it's obvious, but yeah.

MR. RICHARDS: Yeah, it absolutely does. I mean, when I went to the White House for the Champion of Change Award, Eric Holder presented me with the award. And one of the things he rolled out was the American Bar Association's report that was sponsored by DOJ that identified 40,000 statutory barriers to reentry for people with criminal records. Forty thousand. And he said 70 percent of them were focused on employment.

And there's a whole report, there's a searchable database as a result of this report where you can see the kind of barriers people have to deal with from housing to employment. So it's a huge issue.

And what often happens is people encounter those barriers and they just live with them. They don't speak about them. They don't know what options are available by way of legal action. They just deal with them. They become part of the normal process of

them existing with the record and just assuming that those things are real.

But we have many people out there fighting, trying to change the tide. Fortune Society, we're changing the tide. We filed a lawsuit against a housing provider for blanket discrimination against people with records. And the federal government just spoke to that, it came out I think yesterday, spoke about our lawsuit around housing discrimination. HUD came out against housing discrimination for people with records. So it impacts all aspects of someone's life returning from prison and jail.

MS. SCHANZENBACH: Mark?

MR. HOLDEN: Well, no, I mean, it's just, you know, just my own experience, again, the fact that I had family structure that kept me accountable, I had to go to school and I had to have a job made me different from the kids I saw in prison, I think. And a lot of times that doesn't happen or if it does happen it goes awry or whatever. But when people are coming back out, they need it even more. I mean, the

stakes are much higher.

And the thing is, all these states, and you were talking about, you know, stepping out and taking changes on things, I agree with that. But really the reforms that have worked, and we're talking in deep red states, I mean, over 30 states now, Texas and Georgia are among the -- doing the best, doing the most, these reforms, they've reduced incarceration rates and they've reduced crime rates. They've reduced recidivism. They give people second chances. People are now able to have their money to spend on things other than incarcerating people.

So it's just common sense. It's not a -- some of the people who oppose these, at least in Congress there's opposition to some of the bills, they talk about it, it's some social experiment. It's not. It's been proved out this works and it's common sense.

I mean, most people want to succeed and most people when they come back out, they want to succeed. They want to be part of something. And if we don't allow them to do that in a legitimate way, in a legal

way by having a job and an opportunity, well, they're going to do what they have to do to survive. And so it's in all our interests to do that. Ninety-five percent or more of the people in prison get out. They come out and, going back to what you said previously, everyone has to have humility. It could have been any one of us at any time.

So walk in their shoes and it's in all our interests from a mortal perspective and then also from a fiscal perspective.

MR. RICHARDS: And it takes all of us to be working on these issues. A mentor of mine, Nick Freudenberg, from Hunter College, he's a public health professional, he said this is a wicked -- reentry criminal justice is a wicked problem and it requires multiple responses to this wicked problem. And so we have many people working together, policy, services, to try to bring about the change.

I see someone here from the Legal Action Center, the Hire Network that works on hiring -- employment opportunities for people who were formerly

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incarcerated. So we have a number of people and organizations working to bring about the policy change and service changes.

MR. HOLDEN: And it needs to be that way. It needs to be everybody because it impacts all of us. And it needs to be bipartisan because this is a mess that Democrats and Republicans have gotten into, gotten us all into. The states are now reforming their systems. The federal government needs to do the same thing because it's been, you know, you can go down the line the different politicians on both parties that have done the wrong thing. And all this tough on crime, soft on crime, it's neither. It's smart on crime and soft on taxpayers. That's the bottom line.

MS. SCHANZENBACH: Yeah, somebody Tweet that out. That was a great line. (Laughter)

Actually, I wanted to follow up a little bit more on this. So does the panel want to describe some of the efforts at various levels of government for reform here and how we can synergize between them and

just bring together various pieces?

MR. RICHARDS: One that I'm a part of and it's very, very exciting, in New York City right now we have about 9,800 people incarcerated in New York City jails. When I was on Rikers Island in 1986, it was up to like 20,000, 22,000 people incarcerated. We got it down to half right now, less than half when I was out there.

We have started a commission that was started by our city council speaker, Melissa Mark-Viverito, and it's called the New York City Independent Commission on Incarceration and Reentry Reform. It's chaired by the Honorable Judge Lippman, who is a former New York State chief judge. And our charge is to take this moment in time where we have 9,800 people incarcerated and look at the entire system, make no assumptions about where we're going to end, but look at the entire system, and look at where are there opportunities, looking at who's on Rikers, look at the issues they're dealing with, resources we have, look at the entire process to recommend a set of

changes that will fundamentally change the way we manage criminal justice and deal with criminal justice in New York City.

Exciting times because when I first came into this work, we couldn't even begin to think about what does shrinking, eliminating, modifying, substantially changing the New York City criminal justice system. And today, we're at that point in time. So we're, I think, living in very exciting times.

I spoke to Rob this morning and he said how you doing? And I said great. And he said why you doing great? I said because so many good things are happening on the criminal justice front. Yes, we have a lot of work to do, but so many good things are happening. We have the momentum to make substantial changes and I'm excited to be here to be part of that and throughout the country.

MS. DOLEAC: I just want to follow up on Nancy made point on the earlier panel about how little rigorous evaluation we have of reentry programs and

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rehabilitation programs. And I agree, there are a lot of really interesting things going on, especially at the state and local level across the country, that could have really beneficial effects for this population. And, you know, reentering offenders are a very diverse population, so there are a lot of different challenges that we need to figure out how to meet.

But in general, we're not implementing those in a way that they can be rigorously evaluated so that we know what works and what to scale. And I really think that needs to change. We need to really start insisting on that.

MS. HAWKEN: I just remember the enthusiasm of how much is going on. It's really -- you know, a decade ago, I was almost thinking about leaving criminal justice entirely because it was kind of deflating. And now there's like this amazing atmosphere in the air. People are just wanting to do something different.

I even think the White House Initiative on
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Data-Driven Justice is for me really inspiring. And the idea is to really bring data to bear on making good decisions, particularly for high-cost utilizers who are cycling in and out. And we're seeing state agencies for the first time where health is collaborating with justice to figure out who these people are.

This is a mental health crisis. This is not a criminal justice crisis. Let's move this person to where they belong. And we're seeing those conversations happening in a much more nuanced way now than they were even five years ago. So I think it is exciting times.

MR. RICHARDS: Absolutely. And there's a bit of work that we need to do. We need to talk to foundations, we need to talk to government that we need to fund the evaluations of these innovative programs and programs that are out there. Oftentimes government partners want outcomes, they want evaluations, but they're not willing to pay for it. And we need to invest in those opportunities.

MR. HOLDEN: Federal level, things are stalled. In the states this year there have been a lot of successes. Maryland got rid of mandatory minimums. Delaware, Alaska's taking steps. I mean, it's sweeping the nation. But, of course, here in the bubble, there's the tape delay. (Laughter) I don't know what it is, but it's going to happen sooner or later. Hopefully, Speaker Ryan's able to get his bills, those bills on the floor in the House come lame duck, and then we'll see what happens and we'll see what the next year brings.

But it's inevitable, it just takes longer here in D.C. to do everything. And part of it, I think, is, they like to say, we're dealing with these issues where a lot of them were created in the '80s. And we're dealing now with the same people who put those rules in place in the '80s, having them trying to get them to change it and they're like in their 80s and 90s, so it just takes forever here. It's very slow. And hopefully, again, they listen to what's happening in their home states and do the right thing

here, as well.

MS. SCHANZENBACH: One question. Sorry, we're only getting to one, but it's a really interesting one. Are there particular aspects of reentry that should be considered differently for women? We have not talked about women and, you know, while certainly not a majority of prisoners, but, yeah, either of you.

MS. DOLEAC: Access to childcare I think is -- comes up a lot in my conversations with practitioners about this. And that's something that obviously some men deal with that, also, but it's definitely more of a concern for women. And we don't have affordable access to quality childcare in this country and that affects this population.

MS. HAWKEN: I have a lot to say on women and there's no time in five minutes. I spend a lot of time with female inmates and a big frustration is so much of our criminal justice policy and practice is designed for men because they're the bigger bulk of the population. And we tend to end up doing things

with women that just make no sense.

The childcare's a big one. They'll tell you that, you know, on my day of release I've got so many things to speak about and they're going to hand me my three kids. You know, what am I going to do? And this reunification that should be beautiful is a source of anxiety and we're creating that additional anxiety.

But graduated reintegration we actually have a separate proposal for women that was designed through the voices of female inmates who said to us we really don't want to go into scattered housing, which is what the men wanted. And actually Housing First suggests scattering the men is a good idea, but women will reenter in cohorts of 12. It's a women's village, it'll reenter together into congregate housing. So the women's issues are distinct from men.

MR. RICHARDS: I would say housing. Oftentimes, and just think about this for a moment, men come home to the wife, to the girlfriend, to the mother. Women come home to nobody. The husbands are

usually not there, the boyfriends are usually not there. The mothers usually had their kids and there's usually an ACS order that says the mother can't live with the kids because there's -- like there's all of these additional barriers that never get talked about for women that are different than men.

I would encourage anybody go to a women's prison and look at the visiting room. And what you find, it's absent of men. Absent because there's nobody there. The only ones that are in the visiting rooms are the grandmothers and the mothers maybe. And you go to a men's and you look at who's in the men's prison and you find it's filled with women.

So women have a totally different reentry process that we need to acknowledge and address. And I think it's one of the critical pieces is housing.

(Applause)

MS. SCHANZENBACH: I regret that our time together is coming to an end. I do recommend to you the Hamilton Project's work on this. This is, I think, our third maybe set of economic facts on

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prisons and criminal reentry. Please, you know, look at our website also for these policy proposals. Thank you so much.

You know, as we said, we think these issues are fundamental to what our society is about. These are deep moral issues that we need to address together, so thank you. (Applause)

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