

THE FEDERAL INTERAGENCY REENTRY COUNCIL

A Record of Progress and a Roadmap for the Future

Executive Summary



AUGUST 2016



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Executive Summary

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

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

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

“America is a Nation of second chances. . . . Providing incarcerated individuals with job and life skills, education programming, and mental health and addiction treatment increases the likelihood that such individuals will be successful when released. And removing barriers to successful reentry helps formerly incarcerated individuals compete for jobs, attain stable housing, and support their families. All of these are critical to reducing recidivism and strengthening communities.”

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



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

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

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

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

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

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

» **Informed the public discourse.** The Reentry Council developed fact sheets such as the [Reentry Myth Busters](#) and supported events such as the White House [Champions of Change](#) convenings that highlight key reentry issues including improving outcomes for children of incarcerated parents and expanding employment opportunities for justice-involved individuals. DOJ also designated the week of April 24-30, 2016, as National Reentry Week and agencies across the Administration participated in over 550 events around the country.

» **Created direct and centralized access to critical information that is often hard to find.**

- The Department of Veterans Affairs (VA) developed the [Veterans Reentry Search Service \(VRSS\)](#), which quickly and systematically identifies incarcerated individuals with a record of military service so that reentry planning and connection to VA services can begin early. VRSS is now active in 214 jurisdictions across 30 states and the District of Columbia.
- The Social Security Administration (SSA) and HHS created dedicated reentry webpages within existing federal websites on topics such as [Social Security benefits](#) and [child support modification](#).
- The Council also supports (in collaboration with the National Reentry Resource Center) an [interactive map](#) identifying the federal reentry grants in every state and a one-stop [webpage](#) for funding opportunities.

» **Established new staff positions to support and institutionalize reentry efforts.** DOJ designated Prevention and Reentry Coordinator positions in every U.S. Attorney's Office to provide ongoing support for reentry and crime prevention

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

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

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

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

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

Focus on the Future: Implementation, Training, and Communication

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

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



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

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

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

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

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



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

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

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

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

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

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