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Citation:

Jamil A. Favors, Deconstructing Re-Entry: Identifying Issues, Best Practices and Solutions, 21 U. Pa. J.L. & Soc. Change 53 (2018)

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DECONSTRUCTING RE-ENTRY: IDENTIFYING ISSUES, BEST PRACTICES AND SOLUTIONS

JAMIL A. FAVORS*

INTRODUCTION

The Federal Bureau of Prisons (“BOP”) currently houses approximately 185,360 inmates in federal prison.¹ Opponents of this mass incarceration have made strides in reducing the prison population and the number of people entering prison.² Many efforts in this movement have come through sentencing amendments and legislation.³ From such, pushes for reform arise the problems of how to successfully achieve reentry, the successful transition of an ex-offender from prison to their community after they are released, and the understanding of what best practices are useful in achieving a successful reentry. Yet, these amendments and legislation for prison reform have failed to effectively and comprehensively address the reentry needs of the returning populations, particularly in the areas of employment opportunities, accessible healthcare, and appropriate living conditions. The reentry needs of individuals vary, based on the research described here, housing and social support were among the most significant. To adequately address the needs of the growing returnee population, we must seriously think about how to support and sustain reintegration efforts.

This study aims to answer the following questions: “What are the most pertinent challenges facing individuals reentering society, and what are the best practices and solutions to address those problems?” My research answers these questions by tracking and evaluating the efficacy of initiatives aimed at easing reentry. To that end, this paper outlines two overarching challenges facing returnees -housing and social support, and uses my field research to offer best practices for reentry organizers seeking to start or improve their reentry efforts. By contacting every federal district, consistently attending two separate reentry programs, and speaking with over forty judges, parole officers and others involved in reentry, I have conducted an extensive qualitative research project aiming to collect information about best practices and lessons learned.

Through my research, you will see that housing may very well be the most important factor in reentry. The area people live in can affect their decision-making, the schools their kids attend and the distance the individual travels to work. Although each individual may have unique housing challenges, reentry organizers can utilize government-based housing resources, such as city housing administrations, and community-based housing resources, and church shelters, to combat the challenges within housing that individuals face. By using government and community-based

* This article was prepared by Jamil A. Favors in his personal capacity. The opinions expressed in this article are the author’s own and are based on his own personal observations. This body of work does not reflect the views of the Journal of Law and Social Change nor any party mentioned in the article.

¹ *Statistics*, Federal Bureau of Prisons, https://www.bop.gov/about/statistics/population_statistics.jsp [<https://perma.cc/WF4F-V7WB>].

² Erica Goode, *U.S. Prison Populations Decline, Reflecting New Approach to Crime*, N.Y. Times (July 25, 2013), http://www.nytimes.com/2013/07/26/us/us-prison-populations-decline-reflecting-new-approach-to-crime.html?_r=0 [<https://perma.cc/75JX-RNUU>].

³ *See, e.g.*, Press Release, U.S. Sentencing Comm’n, U.S. Sentencing Comm’n Unanimously Votes to Allow Delayed Retroactive Reduction in Drug Trafficking Sentences (July 18, 2014) (on file with author).

housing resources, reentry organizers can effectively give individuals a better chance at a successful reentry.

My research will also show how pivotal social capital, resources in social networks that help individuals achieve goals, is to an individual's successful reentry. Mentorship is the most important aspect of reentry, can come in different forms, such as attorney-returnee mentorship and peer-to-peer mentorship. Both offer returnees much-needed champions in the day-to-day decision-making process, as well as in resource hunting. Reentry coordinators, liaisons between resources needed for a successful reentry, and the surrounding legal community, such as non-profit organizations and area law schools, will both add to an individual's social capital by increasing the number of individuals to tackle day-to-day reentry issues.

By the end of this paper, you will better understand why housing and social capital are the two most pressing challenges facing reentry. My research will show that the challenges facing reentry can be addressed by using government and community-based resources to meet the housing needs of individuals reentering society and by utilizing mentors, reentry coordinators and the surrounding legal community to improve the social capital of individuals reentering society.

I. BACKGROUND

Advocates of ending mass incarceration have focused on sentencing reform, which has enabled more citizens to return home. However, these efforts have neglected the needs of citizens, once they return home, leading to unnecessary recidivism. Before I take you through key findings, best practices, and solutions, I provide background on reentry courts and how the decline of the prison population, through various amendments, has led to an imminent need for reentry courts and other reentry efforts.

A. Reentry Courts

In 2014, there were 4,708,100 individuals under community-based supervision (probation, parole and supervised release) in the United States at the end of 2014.⁴ Of those individuals, approximately 67.8% will be arrested for a new crime within three years, and 76.6% will be arrested for a new crime within five years.⁵ To combat these alarming recidivism rates, some districts have used reentry court programs. A reentry court is a system that uses incentives and sanctions with judicial oversight to effectively address the complex challenges of offender reintegration.⁶

As the BOP's population decreases, what happens to inmates once they are released from prison becomes a more pressing concern. Yes, individuals are released from the BOP daily, but never has this country seen so many releases in such a short time span. One model for managing the reentry process is the reentry court model. By providing individuals returning home from prison with close supervision, links to social services, case management and social support, reentry courts

⁴ Danielle Kaeble et al., *Correctional Populations in the United States, 2014*, Bureau of Justice Statistics (Jan. 21, 2016), <http://www.bjs.gov/content/pub/pdf/cpus14.pdf> [<https://perma.cc/NF4L-R7M4>].

⁵ Matthew R. Durose et al., *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010*, Bureau of Justice Statistics (Apr. 2014), <http://www.bjs.gov/content/pub/pdf/rprts05p0510.pdf> [<https://perma.cc/ZFV7-T5TP>].

⁶ Call for Papers from the Office of Justice Programs on Reentry Courts: Managing the Transition from Prison to Community (Sept. 1999) (on file with author).

have seen success in reducing recidivism.⁷ When inmates are released, most are not simply allowed to immediately go back home to the life they once knew. Under the Sentencing Reform Act of 1984, imprisonment sentences for felonies or a misdemeanor can include a term of supervised release after imprisonment.⁸ Forms of supervised release vary. Some individuals are required to stay in residential reentry centers for a period of time, but all are assigned a probation officer to manage their reentry back into society.

The reentry court model began in 2001 when the Department of Justice started the Reentry Court Initiative by launching nine pilot Reentry Court Programs with a common goal, “to establish a seamless system of offender accountability and support services throughout the reentry process.”⁹ Since its inception, reentry courts have received additional support through the Second Chance Act of 2007.¹⁰ The Act authorizes federal funding to “state and local courts . . . to establish or expand the use of reentry courts . . . to monitor offenders returning to the community, and provide a range of health, education, employment, housing and family support services.”¹¹ Today there are over 40 active federal Reentry Courts.¹²

The core elements of reentry courts are: to provide assessment and planning, active oversight, management of supportive services, accountability to the community, graduated and parsimonious sanctions and rewards for success.¹³ Although there are many core elements of reentry courts, the main goal is to reintegrate individuals into society and decrease recidivism.¹⁴

However, these reentry programs face many challenges because a large number of the 4,708,100 individuals under community-based supervision disproportionately face high rates of drug addiction and mental illness, and often lacking educational training, and job training, and professional experience.¹⁵ Although there are many reentry courts in existence, there is not a lot of sustained support from legislators, policymakers and others because there is no agreement on how to define success.¹⁶ Reentry organizers recognize that to garner more support, these programs must

⁷ Robert V. Wolf, *Reentry Courts: Looking Ahead*, Center for Court Innovation (2011), http://www.courtinnovation.org/sites/default/files/documents/Reentry_Courts.pdf [<https://perma.cc/62DX-UW5G>].

⁸ *Supervised Release*, 33 Geo. L.J. Ann. Rev. Crim. Proc. 701, 701 (2004).

⁹ Letter from Julie E. Samuels, Acting Dir., Nat’l Inst. of Justice, to colleagues (Dec. 20, 2000) (on file with the Office of Justice Programs).

¹⁰ Second Chance Act, Pub. L. No. 110–199 § 111, 122 Stat. 657, 669–71 (2008) (funding was renewed for 2012).

¹¹ *Id.*

¹² DEFENDER SERVICES OFFICE TRAINING DIVISION, ADMINISTRATIVE OFFICE OF THE U.S. COURTS, FJC REENTRY COURT INFORMATION & CONTACT LIST (2011), https://www.fd.org/sites/default/files/criminal_defense_topics/essential_topics/sentencing_resources/clemency/clemency-fjc-reentry-court-information-and-contact-list.pdf [<https://perma.cc/25VQ-4B58>].

¹³ NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE, OFFICE OF JUSTICE PROGRAMS, REENTRY COURTS: MANAGING THE TRANSITION FROM PRISON TO COMMUNITY 8 (Sept. 1999), <https://www.ncjrs.gov/pdffiles1/ojp/sl000389.pdf> [<https://perma.cc/MU58-FTPM>].

¹⁴ DEFENDER SERVICES OFFICE TRAINING DIVISION, *supra* note 12, at 2, 5. Please note that the focus of this project is not to diminish the value of other community-based reentry measures, but to bolster the benefits of reentry courts.

¹⁵ ROBERT V. WOLF, BUREAU OF JUSTICE ASSISTANCE, U.S. DEPARTMENT OF JUSTICE, REENTRY COURTS: LOOKING AHEAD 1 (2011), http://www.courtinnovation.org/sites/default/files/documents/Reentry_Courts.pdf [<https://perma.cc/477H-EUPX>].

¹⁶ *Id.* at 12.

show the positive impact on public safety and the cost to the state.¹⁷

B. Federal Incarceration and the Declining Prison Population

Now that we have a general understanding of what a reentry court does and how reentry courts can be effective, we must explore the reasons for the declining prison population and why reentry courts will become more important in the near future. The BOP has seen significant changes in its population over the last five years. After 30 years of prison populations increasing, the past two years have seen consecutive decreases, and these are expected to continue. Until 2012, the federal prison population rose by more than 1,000 inmates each year until finally seeing its first population decrease in 2014.¹⁸ The BOP went from housing 24,640 inmates in 1980 to housing 214,149 inmates in 2014.¹⁹ From 2013 to 2014, the federal prison population decreased by 5,300 inmates, taking the population down 2.5%.²⁰ By the end of the fiscal year 2015, the BOP saw its second consecutive year of population decline after over 30 years of successive increases.²¹ The BOP expects to see a continuous decrease in its population, which could result in an overall an 11% decrease by the end of the fiscal year 2016.²²

There are various contributing explanations to this population decrease, but the main is the nationwide realization that the costs of mass incarceration tremendously outweigh the benefits. In April of 2016, the Obama Administration issued a report entitled, “Economic Perspectives on Incarceration And The Criminal Justice System,” which sheds light on the economics of mass incarceration and the effect that bad policies have had on families nationwide.²³ The next section will parse out the many actors that have contributed to the decreasing prison population, but for now it is important to note the avenue through which population declines have come to fruition.

As the nation continues to unpack the harmful effects of mass incarceration, there have been successful efforts to reduce the sentence lengths for nonviolent prisoners, such as certain drug offenders.²⁴ Amendments to federal sentencing laws, have led the BOP to forecast a continuous and gradual change in the prison population. If the Bureau of Prisons estimates are correct, over 20,000 individuals will be released from federal prison by 2016 over a two-year span.²⁵ Taking these calculations, almost 20% of the Bureau’s population from 2014 will be released by the fiscal year

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ FED. BUREAU OF PRISONS, FEDERAL INMATE POPULATION TOTALS, [HTTPS://WWW.BOP.GOV/ABOUT/STATISTICS/POPULATION_STATISTICS.JSP#OLD_POPS](https://www.bop.gov/about/statistics/population_statistics.jsp#old_pops) [<https://perma.cc/2GZ5-AM5Y>].

²⁰ E. ANN CARSON, BUREAU OF JUSTICE STATISTICS, FED. BUREAU OF PRISONS, NCJ 248955, PRISONERS IN 2014 (2015), <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5387> [<https://perma.cc/2VRW-DTZJ>].

²¹ FED. BUREAU OF PRISONS, FEDERAL INMATE POPULATION DECLINE (2016), https://www.bop.gov/resources/news/20151001_populationDecline.jsp [<https://perma.cc/JJ24-APAS>].

²² *Id.*

²³ EXECUTIVE OFFICE OF THE PRESIDENT OF THE U.S., ECONOMIC PERSPECTIVES ON INCARCERATION AND THE CRIMINAL JUSTICE SYSTEM (Apr. 2016), *available at* https://www.whitehouse.gov/sites/default/files/page/files/20160423_cea_incarceration_criminal_justice.pdf [<https://perma.cc/LHB3-G3YC>].

²⁴ U.S. SENTENCING COMM’N, SENSIBLE SENTENCING REFORM: THE 2014 REDUCTION OF DRUG SENTENCES (2015), *available at* https://www.ussc.gov/sites/default/files/pdf/research-and-publications/backgrounders/profile_2014_drug_amendment.pdf [<https://perma.cc/S9K5-RUHS>].

²⁵ FED. BUREAU OF PRISONS, *supra* note 21.

2016.²⁶

These statistics are important because they give a numerical view to an ending of the mass incarceration era and allow us to estimate the responsibility that will be placed on rehabilitation players such as probation officers, reentry coordinators, service providers, and communities. More recently, Deputy Attorney General Sally Yates and the Department of Justice made the decision to reduce the use of private prisons – shaving the number of private beds to 50% by May 2017.²⁷ Although the Department of Justice’s decision only relates to fewer prisoners in private prisons, this decision offers more support to the theory that the nation’s mass incarceration mindset is ending. The decline of the Bureau’s population places an undue amount of stress on rehabilitation players and their resources - an issue, which if not addressed, can lead to increased recidivism. The Bureau of Justice Statistics conducted a study on prisoners released in 2005 and their rates of recidivism after being placed in community supervision.²⁸ Since the results released in 2016, the Bureau of Justice Statistics saw a decrease in recidivism in federal inmates placed on community-based supervision versus state prisoners with conditional release.²⁹ The federal prison population is declining, but the numbers of rehabilitation efforts are not increasing. Thus, to spare communities from large recidivism numbers, there must be an increase in effective and comprehensive reentry policies.

C. *The Push for Sentencing Reform*

Before examining the challenges facing returnees, it is important to consider the roots of the sentencing reform movement. Sentencing reform has received bipartisan support with multiple constituent’s arguments and interest groups lobbying for the same result – to decrease the prison population.³⁰ One main argument is fairness. Advocates lobby for prison reform because current sentencing practices are unjust and not in line with initial congressional intent.³¹ Other arguments are fiscally motivated, noting that the Department of Justice devotes a quarter of its budget to incarcerating individuals each year.³² In 2014, the BOP spent approximately six billion dollars to

²⁶ FED. BUREAU OF PRISONS, *supra* note 1.

²⁷ SALLY YATES, OFFICE OF THE DEPUTY ATTORNEY GEN., MEMORANDUM FOR THE ACTING DIRECTOR OF THE FEDERAL BUREAU OF PRISONS: REDUCING OUR USE OF PRIVATE PRISONS (August 18, 2016), <https://www.justice.gov/opa/file/886311/download> [<https://perma.cc/S8ZT-X5CJ>].

²⁸ JOSHUA A. MARKMAN, ET AL., BUREAU OF JUSTICE STATISTICS, U.S. DEP’T OF JUSTICE, RECIDIVISM OF OFFENDERS PLACED ON FEDERAL COMMUNITY SUPERVISION IN 2005: PATTERNS FROM 2005 TO 2010 (June 2016), <https://www.bjs.gov/content/pub/pdf/ropfcs05p0510.pdf> [<https://perma.cc/XU2L-AJZA>].

²⁹ *Id.* at 6.

³⁰ Carl Hulse & Jennifer Steinhauer, *Sentencing Overhaul Proposed in Senate with Bipartisan Backing*, N.Y. TIMES (Oct. 1, 2015), http://www.nytimes.com/2015/10/02/us/politics/senate-plan-to-ease-sentencing-laws.html?_r=1 [<https://perma.cc/4UKL-7YBC>].

³¹ See U.S. SENTENCING COMM’N, REPORT TO CONGRESS: MANDATORY MINIMUM PENALTIES IN THE FEDERAL CRIMINAL JUSTICE SYSTEM xxxii (Oct. 2011), available at https://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/mandatory-minimum-penalties/20111031-rtc-pdf/Executive_Summary.pdf [<https://perma.cc/Q6W3-V7RD>] (stating that “the mandatory minimum penalties for drug offenses sweep more broadly than Congress may have intended”).

³² *Oversight of the Department of Justice: Before the Subcomm. on Commerce, Justice, Sci. & Related Agencies of the H. Comm. on Appropriations*, 113th Cong. 8 (2013) (statement of Michael E. Horowitz, Inspector Gen., U.S.

house 215,964 inmates.³³ No matter the justification, both arguments have caused a push for sentencing reform and a decrease in the prison population.³⁴

In July, 2015, the push for sentencing reform reached the executive branch when President Obama became the first sitting President to visit a federal prison.³⁵ The President's visit to El Reno Federal Correctional Institution in Oklahoma signaled to the world his commitment to prison reform and his willingness to ensure that reform occurred in both law and practice.³⁶ In addition to supporting prison reform, President Obama supported reentry initiatives, such as "Ban the Box" and other measures designed to simplify job searches for formerly incarcerated individuals.³⁷ In November of 2015, President Obama publicly supported the "what next" measures of prison reform, designed to address next steps after individuals are released from incarceration.³⁸ A message from the President can send a signal to the country, and President Obama's visit to El Reno . . . signaled to America and Congress the necessity of sentencing reform.

Among interest groups, Congress, and the White House, there seems to be an understanding that sentencing reform is needed, and that attention must be given to individuals once they are released from incarceration. Although Congress and the executive branch have begun to support prison reform, it is not enough to simply decrease the prison population. What must come next are better policies to fund reentry, more agents to support reentry, and a greater understanding of the best practices and initiatives that prevent recidivism.

D. Sentencing Reform

Congress has initiated multiple amendments and bills following the push for sentencing reform. In the next section, I outline two ways in which Congress has acted, or attempted to act, specifically on Amendment 782 and the Sentencing Reform and Corrections Act of 2015. Both have the effect of decreasing the prison population and changing how individuals are sentenced in the future, yet both fall short of addressing the needs of individuals once they are released from prison.

1. Amendment 782

In October of 2015, the BOP released over 6,000 individuals, marking the largest federal prison release in America's history.³⁹ These individuals were released through a retroactive

Dep't of Justice).

³³ FED. BUREAU OF PRISONS, FEDERAL PRISON SYSTEM PER CAPITA COSTS FY 2014 (Dec. 2014), https://www.bop.gov/foia/fy14_per_capita_costs.pdf [https://perma.cc/V9UZ-ZGEZ].

³⁴ Federal Inmate Population Totals, *supra* note 19.

³⁵ Tricia Escobedo, *What's Going on with Prison Reform in America?*, CNN (Oct. 21, 2015, 8:31 AM), <http://www.cnn.com/2015/10/21/us/prison-reform-overview> [https://perma.cc/WDF9-7VY6].

³⁶ *Id.*

³⁷ Press Release, White House Office of the Press Secretary, Fact Sheet: President Obama Announces New Actions to Promote Rehabilitation and Reintegration for the Formerly-Incarcerated (Nov. 2, 2015) (on file with author) <https://obamawhitehouse.archives.gov/the-press-office/2015/11/02/fact-sheet-president-obama-announces-new-actions-promote-rehabilitation> [https://perma.cc/JT42-8CXR].

³⁸ *Id.*

³⁹ Michael S. Schmidt, *U.S. to Release 6,000 Inmates from Prisons*, N.Y. Times (Oct. 6 2015), <http://www.nytimes.com/2015/10/07/us/us-to-release-6000-inmates-under-new-sentencing-guidelines.html> [https://perma.cc/...

application of an alteration to the United States Sentencing Guidelines entitled Amendment 782 – otherwise known as “Drug Minus Two.”⁴⁰ Amendment 782 is a direct response to congressional directives to minimizing “the likelihood that the federal prison population will exceed the capacity.”⁴¹ The amendment generates a two-level reduction for any offense found in § 2D1.1 and 2D1.11⁴² of the Sentencing Code Guideline Manual.⁴³ In other words, the sentencing amendment decreases the recommended number of months for which individuals can be sentenced for certain drug offenses.

As a primary reason for pushing Amendment 782, the Sentencing Commission stated, “[t]he purposes of the amendment are to reflect the Commission’s determination that setting the base offense levels above mandatory minimum penalties is no longer necessary and that a reduction would be an appropriate step towards alleviating the overcapacity of the federal prisons.”⁴⁴ As mentioned, Amendment 782 directly follows a congressional directive at 28 U.S.C. § 994(g) which states, “[t]he sentencing guidelines prescribed under this chapter shall be formulated to minimize the likelihood that the Federal prison population will exceed the capacity of the Federal prisons as determined by the Commission.”⁴⁵

Although Amendment 782 passed on November 1, 2014, no inmate was released until November 1, 2015.⁴⁶ The Sentencing Commission cited public safety as its main reason for limiting the application of retroactivity.⁴⁷ Delaying the retroactive application of Amendment 782 allowed the judiciary and its probation officers to comply with their responsibilities under 18 U.S.C. § 3624(e).⁴⁸ In short, the delay in retroactivity allowed the judiciary and probation to prepare for this large shift in responsibility from the BOP to more community-based practices.

.cc/45CH-2VVZ].

⁴⁰ Memorandum from the U.S. Sentencing Comm’n Office of Research and Data and Office of Gen. Counsel to Chair Saris, Comm’rs, and Kenneth Cohen (May 27, 2014) http://www.ussc.gov/sites/default/files/pdf/research-and-publications/retroactivity-analyses/drug-guidelines-amendment/20140527_Drug_Retro_Analysis.pdf [<https://perma.cc/L3NL-S3QL>].

⁴¹ U.S. Sentencing Commission, *News Release (2014)* https://www.ussc.gov/sites/default/files/pdf/news/press-releases-and-news-advisories/press-releases/20140718_press_release.pdf [<https://perma.cc/2WVF-HJLP>].

⁴² U.S. Sentencing Comm’n, *Guidelines Manual*, § 2D1.1 (Nov. 2016) (Unlawful Manufacturing, Importing, Exporting or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) (2013) (hereinafter USSG); USSG § 2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy).

⁴³ U.S. SENTENCING COMM’N, 2014 DRUG GUIDELINES AMENDMENT RETROACTIVITY DATA REPORT (2015) <http://www.ussc.gov/sites/default/files/pdf/research-and-publications/retroactivity-analyses/drug-guidelines-amendment/20150624-Drug-Retro-Analysis.pdf> [<https://perma.cc/FMC5-8AP2>].

⁴⁴ Amendment to the Sentencing Guidelines, United States Sentencing Commission (2014) available at http://www.ussc.gov/sites/default/files/pdf/amendment-process/reader-friendly-amendments/20140718_RF_Amendment782.pdf [<https://perma.cc/5UVG-PWR7>].

⁴⁵ 28 U.S.C. § 994(g).

⁴⁶ E. Ann Carson, *supra* note 20.

⁴⁷ *Id.*

⁴⁸ *See Id.* at 2. (noting that the judiciary and its probation officers will have the responsibility under 18 U.S.C. § 3624(e) to supervise those defendants when they are released by the Bureau of Prisons).

Over 27,000 individuals applied to receive the retroactive drug guidelines amendment.⁴⁹ Of the 20,357 approved applications, there was a 23-month average sentence reduction.⁵⁰

2. Sentencing Reform and Corrections Act of 2015

Amendment 782 is not the only legislation of its kind. One piece of legislation that also aims to decrease the prison population is the Sentencing Reform and Corrections Act of 2015.⁵¹ The Sentencing Reform and Corrections Act of 2015 was introduced in both the House and the Senate in October of 2015 and is currently seeking approval.⁵² Similar to Amendment 782, the Sentencing Reform and Corrections Act of 2015 would reform criminal sentencing laws that have led to the increasing prison population for the last 30 years.⁵³ If approved, the bill would retroactively reduce the federal prison population by altering mandatory minimums for certain drug and gun charges.⁵⁴ Although there are different versions of the bill in the House (“H.R. 3713”)⁵⁵ and the Senate (“S. 2123”),⁵⁶ the two versions are similar. Both bills have been reported out of committee and are awaiting approval in their respective chambers.⁵⁷

Each alteration that H.R. 3713 proposes will decrease the prison population and keep a large number of individuals from entering prison.⁵⁸ If H.R. 3713 were enacted, over 550 individuals would benefit each year from alterations in the mandatory minimum drug structure.⁵⁹ If enacted retroactively, the average sentence reduction would be 21 months and the BOP would save 127 prison beds over the next five years.⁶⁰ Saving 127 prison beds over five years may not seem like a large number, but when combining the savings from each H.R. 3713 section, the numbers of beds saved accumulates. If H.R. 3713 is enacted and the Fair Sentencing Act is applied retroactively – one of H.R. 3713’s central tenets, – it is estimated that over 5,000 individuals currently in prison will have a 20 percent reduction in their sentences.⁶¹ If H.R. 3713 or other similar bills are enacted,

⁴⁹ *Id.* at 4.

⁵⁰ *Id.* at 10.

⁵¹ H.R.3713 - Sentencing Reform Act of 2015 & S.2123 - Sentencing Reform and Corrections Act of 2015.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Summaries for the Sentencing Reform and Corrections Act of 2015*, GovTrack, available at <https://www.govtrack.us/congress/bills/114/s2123/summary#> [<https://perma.cc/HT9N-KE25>].

⁵⁵ Statement of Judge Patti Saris, Chair, U.S. Sentencing Comm’n, submitted to the U.S. House Judiciary Committee for the Hearing on “H.R. 3713, Sentencing Reform Act of 2015,” Nov. 18, 2015, http://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/submissions/20151117_HR3713.pdf [<https://perma.cc/5SV4-AZYS>].

⁵⁶ Statement of Judge Patti Saris, Chair, U.S. Sentencing Comm’n, submitted to the U.S. House Judiciary Committee for the Hearing on “S. 2123, Sentencing Reform and Corrections Act of 2015,” Oct. 19, 2015, http://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/testimony/20151021_Saris_Testimony.pdf [<https://perma.cc/4S3M-LXYZ>].

⁵⁷ Economic Perspectives on Incarceration, *supra* note 23, at 61.

⁵⁸ Federal Prison System Per Capita Costs, *supra* note 33.

⁵⁹ E. Ann Carson, *supra* note 20, at 10.

⁶⁰ *Id.*

⁶¹ *Id.*

we will continue to see large numbers of individuals being released from federal prison back into the community thus making reentry courts and other such solutions a necessity in reentry efforts.

II. METHODOLOGY

In the initial stages of this research, I was unaware of how differently reentry efforts were handled across the globe. Although reentry efforts occur at the federal and state level, I narrowed my focus to reentry efforts at the federal level to follow the large-scale prison releases due to sentencing amendments. To acquire this information, I wrote a letter to the Chief Judge for each of the ninety-four federal judicial districts inquiring whether their district operates a reentry court and if not, how their district handles reentry. My letters led me to speak with over 40 federal districts, representatives from the United States Sentencing Commission, the Executive Office of the President, legal academics, probation officers, reentry coordinators, and many returnees who have successfully completed reentry programs. For the most part, probation officers responded to my letters on behalf of their district's Chief Judge. At the end of each response letter and phone call, I would ask if there was anyone that the probation officer would recommend that I speak with on behalf of my project. That question led me to many other officials dedicated to criminal justice reform. Most individuals requested anonymity, so names have been stricken from my work with the exception of a few, including Jamar Williams and Tyson DeVoure, two formerly incarcerated individuals who successfully reintegrated back into society.

Alongside written letters, email correspondence, and over 30 hours of telephone interviews, I shadowed actual reentry court sessions. In the fall of 2015, I attended both the Eastern District of Pennsylvania's (Supervision to Aid Reentry "STAR")⁶² and the District of New Jersey's (ReNew Camden) reentry programs.⁶³ Both reentry court sessions met twice a month. The two reentry court schedules were on opposite weeks, so I was able to get weekly, first-hand exposure to the way in which two separate reentry courts operate and gained the perspective of various reentry court participants. The purpose of each interaction was to gather information on returnee issues and learn best practices in reentry from multiple sources.

III. FINDINGS

A. *Social and Economic Needs of Returnees*

As individuals return home from prison, slight attention has been given to reentry issues such as employment, housing and community reintegration. The literature contains several focused studies of individual reentry courts, but there appear to be no broader studies of best practices across

⁶² The Supervision to Aid Reentry (STAR) program was developed by the Eastern District of Pennsylvania ("EDPA") with the intent of helping ex-offenders make their way back into the community after spending time in federal prison. The program has over 56 program graduates.

⁶³ I wanted to determine the different issues that newer reentry court programs faced versus more established programs, so I decided to shadow two reentry courts – one newly formed and one well established. I determined that resource availability; the benefit of time and the experience to pool those resources together largely drove these differences. STAR has operated for almost six years, whereas ReNew Camden has only been in existence for six months. STAR has the advantage of experience to garner resources for support and the know-how to deal with everyday reentry issues.

multiple programs and court systems.⁶⁴ My research undertakes that effort. By shadowing different reentry courts and speaking with multiple individuals focused on reentry and individuals who are affected by the success or failure of reentry efforts, I am able to provide a broader canvas of the challenges effecting the reentry population and assess best practices from more than one program to address those challenges. In this section, I highlight two significant factors that make reentry especially difficult – a lack of housing and a lack of adequate social capital.

It may be surprising that I do not list employment as a critical issue, but it takes support to seek, obtain and maintain adequate employment. A judge in the northeast stated, “A job won’t do a thing if an ex-offender is going to hang around the same places and have the same thoughts as they did before going into prison.” I agree with the judge’s sentiments, and saw firsthand examples of employment not being enough to allow individuals to successfully reintegrate into society. Take the case of one participant I had the chance to interact with in the ReNew Camden program. This individual had a job, but did not have a stable place to live. Due to the lack of housing, the individual continuously showed up to work late and was continuously written up. Unfortunately, the individual lost their job and was back committing crimes that led to them being in prison. If an individual does not have adequate housing, employment may be inadequate. Without mentorship, the acquired employment may not be sustained. Although there are certainly more challenges facing reentry than the two that I outline in my research, one sentiment remained the same: community-based supervision needs more resources as changes in legislative and executive policy decrease the federal prison population and shift individuals from the BOP to community-based supervision.

1. Housing

One broadly held view is that the environment plays a central role in determining the successful reintegration of a released individual. For many individuals leaving incarceration, acquiring safe and adequate housing is difficult.⁶⁵ Some returnees are able to return to the home they left prior to incarceration, but others are forced to search to find new living arrangements in the private and public housing sector.⁶⁶ Even when returnees are able to return to their prior living arrangements, their original housing may not offer a healthy environment.

Statistics support the assertion that finding housing is a significant challenge for those reentering society after a period of incarceration.⁶⁷ It is estimated that 20% of individuals who leave prison become homeless, immediately- or soon thereafter release.⁶⁸ My interviews demonstrated that very few returnees are able to return to their prior, living arrangements, for various reasons. Whether it is the death of a family member or the foreclosure of a home, some returnees do not

⁶⁴ Caitlin J. Taylor, *Tolerance of Minor Setbacks in a Challenging Reentry Experience: An Evaluation of a Federal Reentry Court*, Criminal Justice Policy Review (2011), available at <http://cjp.sagepub.com/content/24/1/49> [<https://perma.cc/43P9-G7KZ>]; Lama Hassoun Ayoub and Tia Pooler, *Coming Home to Harlem*, Center for Court Innovation (2015), available at <http://www.courtinnovation.org/research/coming-home-harlem-randomized-controlled-trial-harlem-parole-reentry-court> [<https://perma.cc/PQL9-MRQ6>].

⁶⁵ Taylor, *supra* note 64.

⁶⁶ *Id.*

⁶⁷ Michael Pinard & Anthony C. Thompson, *Offender Reentry and The Collateral Consequences of Criminal Convictions: An Introduction*, 30 N.Y.U. REV. L. & SOC. CHANGE 585, 595 (2006).

⁶⁸ Reentry, National Alliance to End Homelessness, available at http://www.endhomelessness.org/pages/re_entry [perma.cc/6U7K-UM6J].

have an available home. Other returnees do not want to return to the same environment that they left because their environment may have been the cause of their criminal activities that led to their incarceration. As I will explain later through stories of formerly incarcerated individuals, where one lives can determine the influences on one's decision making, what school one's kids can attend, what food one is able to get from the local grocery store, and whether one can get to work in less than an hour. By returning home to where one left before incarceration, they might not be putting themselves or their families in the best place for success.

Only a small proportion of incarcerated individuals owned a home or kept a home throughout incarceration, so most returnees must turn to private and public housing options. In private property housing, there is a tendency for discrimination as homeowners and landlords have the right to inquire about an individual's criminal history through housing applications.⁶⁹ Public Housing is meant to fill the void, but re-offense and the difficulty of the housing applications can limit public housing's usefulness.⁷⁰ By law, public officials are required to furnish the criminal records of applicants for public housing to ensure public safety.⁷¹

Over the course of my research, I met an individual by the name of Jamar Williams – a once-convicted felon who now serves as a full-time counselor and mentor to incarcerated individuals in Pittsburgh who had his own struggles with housing. Referring to his release from over ten years ago in Pittsburgh, he stated, "It was the biggest slap in the face of reality because everything I knew before incarceration had changed." Mr. Williams entered incarceration as a married man with a home. He returned from incarceration after seven years to learn that his former life was non-existent, leaving him with no wife and no home to return to. Because of inadequate housing, Mr. Williams struggled to find steady employment and he eventually found himself living on the streets selling bone marrow to live and pay child support. Mr. Williams stated, "Housing is a major factor in reintegration because without it, you cannot find a job and you find yourself roaming the streets at the wrong time of the night." Mr. Williams is not alone – a good number of individuals released from prison report being homeless at some point. With the apparent difficulties in public and private housing, many returnees find themselves homeless or in unstable living situations.⁷²

2. Social Capital

Even with access to housing and employment, returnees can lack the social capital and support needed to successfully navigate reentry.⁷³ Social capital is defined as "resources, which

⁶⁹ Heidi Lee Cain, *Housing Our Criminals: Finding Housing for the Ex-Offender in the Twenty-First Century*, 33 GOLDEN GATE U. L. REV. 131, 149-50 (2003).

⁷⁰ *Id.*

⁷¹ 42 U.S.C. § 1437d(q) (2000) (permitting public housing agencies to access criminal records).

⁷² See generally Taylor, *supra* note 64.

⁷³ There has been extensive research depicting the value of social capital and correlating an individual's social capital with a successful reentry. Caitlin J. Taylor, Assistant Professor of Sociology and Criminal Justice at La Salle University, studied STAR and concluded that STAR helped participants build social capital by encouraging family involvement and developing relationships with other participants. From the six months that I spent interacting with districts, I conclude that Dr. Taylor's findings on social support holds true in reentry programs across the nation. Expanding on Dr. Taylor's conclusions that family involvement and community support are essential to reentry, I found that having individuals within the reentry process who are particularly dedicated to finding and helping individuals navigate resources is also

vary in terms of both quantity and quality, embedded in social networks that help individuals achieve goals that would otherwise be less attainable.”⁷⁴ Studies have shown that social capital can prevent individuals from engaging in criminal activity by offering resources through networks such as family and community members.⁷⁵ By contrast, a lack of social capital “produces weak informal social controls, which leads to delinquency, criminality, and other aberrant behavior.”⁷⁶ Through my research, I have observed three resources that are beneficial in increasing one’s social capital: mentors, reentry coordinators, and the surrounding legal community.

Any reentry organizer has the capacity to increase social support for their returned ex-offenders seeking to reintegrate back into society. For most reentry organizers in the federal system, any additional support given to the returnee derives from the returnee’s probation officer.⁷⁷ As with most federal employees, probation officers can be overworked, and their offices can be understaffed.⁷⁸ Asking probation officers to search for returnee resources and to provide assistance in accessing and navigating those resources, on top of their traditional roles as case managers, is burdensome. As more individuals are released from federal prisons, caseloads of probation officers in many areas will become unbearable which can lead to a void in social capital that needs filling.⁷⁹ Mentors, reentry coordinators, and community providers can fill that void.

Mentors can assist with coping with the day-to-day decision-making process, serve as resources for job and housing recommendations, and become friends and support to returnees who are removed from activity that may lead to recidivism. Reentry coordinators and community providers can offer returnees assistance in seeking and obtaining housing and also offer direction and guidance needed to navigate from the structured environment of a prison to the freedom in life post incarceration. In the next section, Solutions and Best Practices, and after outlining the best practices for housing, I will describe in more detail the role of mentors, reentry coordinators and the surrounding legal community, and how these three resources can be beneficial in increasing social capital.

B. Solutions & Best Practices

Given the difficulties of reentry, I sought to identify which current measures or initiatives are best suited to addressing challenges with housing and social capital. The successful interventions

beneficial. See Caitlin Taylor, *The Supervision to Aid Reentry (STAR) Programme: Enhancing the Social Capital of Ex-offenders*, PROB. J. 60(2) 119, 119-35 (2013).

⁷⁴ Michael D. Reising et al., *Social Capital Among Women Offenders: Examining the Distribution of Social Networks and Resources*, J. CONTEMP. CRIM. JUST. 167, 169 (2002).

⁷⁵ See John H. Laub & Robert J. Sampson, *Turning Points in the Life Course: Why Change Matters to the Study of Crime*, 31 CRIMINOLOGY 301, 303-04 (1993) (noting “that a reservoir of social capital creates an environment conducive for the development and maintenance of informal social controls that encourage compliance with the law.” Daniel M. Fetsco, *Reentry Courts: An Emerging Use of Judicial Resources in the Struggle to Reduce the Recidivism of Released Offenders*, 13 WYO. L. REV. 591, 596 (2013)).

⁷⁶ Michael D. Reising, Kristy Holtfreter & Merry Morash, *Social Capital Among Women Offenders: Examining the Distribution of Social Networks and Resources*, 18 J. CONTEMP. CRIM. JUST. 167, 169 (2002).

⁷⁷ Taylor, C. (2012). Balancing Act: The Adaptation of Traditional Judicial Roles in Reentry Court. *Journal of Offender Rehabilitation*, 351-369.

⁷⁸ *Id.*

⁷⁹ *Id.*

that I propose stem from countless hours of speaking with successfully reentered individuals and sitting through countless reentry court sessions gathering a firsthand perspective. Unfortunately, a large number of the successful intervention programs that I encountered had no formal, written language; thus, it fell to me to view, take notes regarding and draw conclusions for successful intervention based on what I saw. I describe these successful interventions below.

1. Housing

As discussed, location, limited availability of adequate and affordable housing, and discrimination are all factors that impede an individual's ability to obtain housing. Utilizing government-based assistance and community-based resources are two mechanisms I found that reentry organizers could use to secure adequate housing for their returnees. Two reentry efforts that have done well in providing adequate housing for returnees can be found in the Eastern District of Pennsylvania ("E.D. Pa") and the Western District of New York ("W.D.N.Y."). The E.D. Pa. effectively uses government-based resources, while the W.D.N.Y. uses community-based resources to secure adequate housing. Both districts realize the importance of housing, and both have sought resources to combat challenges caused by a lack of adequate housing.

a. Government-Based Housing Resources

One of the most common ways to find adequate housing for individuals reentering society is to use public housing alternatives.⁸⁰ Some reentry organizers simply guide individuals through the public housing application process, but the E.D. Pa. makes use of government-based resources such as the Philadelphia Housing Authority ("PHA") and its Second Chance Program to assist its returnees in obtaining adequate housing.⁸¹ Following a push from the U.S. Department of Housing and Urban Development, the PHA launched the Second Chance Program to assist individuals returning home from incarceration.⁸² The Second Chance Program allows ten Housing Choice Vouchers⁸³ to be used for applicants who meet the E.D. Pa.'s criteria of low-income, extreme housing need and a high potential for success in the program.⁸⁴

The PHA program was formerly known as Section 8 – an initiative created by the Housing and Community Development Act of 1974.⁸⁵ The program aims to provide improved living conditions for families, promote freedom of housing choice, and provides incentives to private owners to rent to lower-income families.⁸⁶ Anyone in the general population who wishes to utilize the Housing Choice Voucher must apply with the PHA. For the average person, this process is long,

⁸⁰ *Id.*

⁸¹ Philadelphia Housing Authority, *PHA Establishes Second Chance Program for Returning Citizens* (Nov. 7, 2013), available at <http://www.pha.phila.gov/pha-news/pha-news/2013/pha-establishes-second-chance-program-for-returning-citizens.aspx> [<https://perma.cc/CM34-2ULZ>].

⁸² *Id.*

⁸³ *Id.* The housing choice voucher program, formerly known as section 8 housing, was created by the Housing and Community Development Act of 1974 with the intent of providing adequate living conditions for low-income families, promoting house choice for low income families, and providing incentives to private owners to rent to low income families.

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

strenuous and daunting. After applying to the program, most individuals find themselves on a waitlist that is frequently closed because of large numbers.

The STAR program allows its returnees to bypass the waitlist and offers assistance in the application process. Any individual in the program can apply for a Housing Choice Voucher if he or she is in good standing with the STAR program.⁸⁷ If accepted, recipients can live in privately owned housing units in locations of their choosing – assuming the private property owner accepts the voucher. Voucher awards are dependent on the applicant's income, number of dependents, and several other factors that are used to determine what the applicant is able to afford for housing each month.⁸⁸

While conducting my research, I found that programs such as the Second Chance Program not only allow participants to better reintegrate into society, but also positively affect the participants' families. Once, while attending a session in the STAR program, a participant came in with his family after they had all taken advantage of the Second Chance Program and moved into their new home. The entire family reiterated how the new home would change their lives, from the food that they were able to buy at the local grocery store to the schools that the family's children were able to attend. It seemed to me that without the help of the STAR program, the participant would have had to complete the complex application process by himself, but with the aid of the STAR program, the process is streamlined, the requirements are clearly explained, and accountability is demanded. My third-party is able to see that the STAR program realizes the importance of housing and truly stresses the resource of the Second Chance Program to its well-qualified program participants.

After sitting in on many reentry sessions, I noticed that in order to make the best use of the housing choice vouchers, STAR uses a committee to inform participants that may qualify, if this government-based resource is available. This committee essentially screens applicants and makes recommendations to those who are likely to be successful in the program. Participants who consider applying must complete an application consisting of simple questions: "Why do you want to apply, what are your goals for the next couple of years and how will affordable housing help with those goals?" From looking at the questionnaire and a participant's progress through the STAR program, and requirements such as employment status and re-offense record, the selection committee is able to make an informed decision on who is most likely to complete the program. This internal selection process gives STAR the ability to be more selective and offer vouchers only to the participants with the greatest needs and showing the most promise. Since any citizen can apply to the Housing Choice Voucher program, there is a two-fold benefit from this Second Chance Program. Not only does the participant get to bypass the waiting line in the general application pool, but the participant also gets assistance from the STAR program in completing the application.

I will admit that many questions and critiques are apparent, upon review of the STAR program. Is their selection procedure a good policy? Should the Second Chance program continue to focus its resources on helping only those applicants deemed most likely to benefit? Or, should its attention be divided equally amongst all applicants who've demonstrated the greatest need? These are fair arguments countering the current Second Chance program procedures and favor placing applicants into the larger pool to compete with the rest of society. One point that must remain at the

⁸⁷ *Id.*

⁸⁸ Philadelphia Housing Authority, *Frequently Asked Questions, Who Is Eligible for Housing Choice*, PHA.PHILA.GOV (Oct. 4, 2017), [http://www.pha.phila.gov/housing/housing-choice-voucher/frequently-asked-questions-\(faqs\).aspx](http://www.pha.phila.gov/housing/housing-choice-voucher/frequently-asked-questions-(faqs).aspx) [<https://perma.cc/55UQ-NK29>].

forefront is the underlying intention of the STAR program- which is to prevent re-offense. This preventive stance acts as a benefit to the entire community, sparing the associated monetary and resources harm and costs to the community-at-large with re-offense. Although the benefits to the STAR program's participants may be inequitable relative to the general applicant pool, the argument for community safety can justify the STAR program's procedures. At the end of the day, the entire community wins if ex-offenders do not re-offend.

I tried and know that applying to receive a Housing Choice Voucher can be cumbersome and confusing- especially for a person with inadequate computer skills. Experience using publicly available resources has allowed STAR to alleviate serious housing needs for reentry by using government-based resources and building relationships with realtors in the community. Because of the relationships that STAR has developed in the Philadelphia community, certain realtors waive this fee to assist. In the STAR program, it was the program's reentry coordinators who took the lead on building relationships with realtors and lobbying with the PHA to stress the importance to communities of successful offender reentry. The collaboration is as simple as the reentry coordinators' contacting realtors, arguing the importance of reintegration and receiving benefits such as waived application fees and expedited move in dates. At the end of the day, the realtor still receives the appropriate cost of the rent through the Second Chance Program, but by collaborating with STAR they have assisted an ex-offender in progressing in their reentry journey. By mandating that participants maintain full-time employment to continue their eligibility for the voucher, the Second Chance program serves as a two-year assistance that can keep individuals from returning to environments that may have led to their incarceration. STAR's use of government-based resources has been effective and beneficial, as the program consistently graduates participants with few to no re-offenses. Other reentry organizers should follow in STAR's direction and search for government-based resources that their particular districts have to offer.

b. Community-Based Housing Resources

I found that another way to help returnees find adequate housing was to use other housing resources within a given community or neighborhood. Some cities do not have large housing authorities such as Philadelphia's. Without large government resources, these areas require the commitment of the surrounding community. The task of gaining community-based support is two-fold. First, a reentry organizer must make an effort to convince members of their community to overcome biases toward ex-offenders. Second, a reentry organizer must convince members of the community that successful reintegration can deter re-offenses. Reentry Organizers that are able to overcome the resistance of some communities to working with returnees use community-based resources to assist in providing adequate housing.

Informing communities about the relationship between unstable housing and recidivism can have a significant impact on communities' willingness to invest effort and resources in support for released individuals.⁸⁹ The Western District of New York ("W.D.N.Y.") has found success in using community resources, such as non-profits, religious-based and other social support services in Buffalo and Rochester to support returnees. For example, the New York State Division of Corrections and Community Supervision contracts with the Peter G. Young Foundation and its

⁸⁹ Taylor, *supra* note 64, at 25.

Altamont Program to provide services for those reintegrating.⁹⁰ Along with providing housing and emergency shelter to low-income individuals and families, the program provides transitional housing, case management and all around resource servicing.⁹¹ This community-based resource serves as a supplement to the efforts put forth in the W.D.N.Y. The relationship between the W.D.N.Y. and the Altamont Program is one of a simple referral as in the W.D.N.Y. is able to refer those reentering society within their district to the Altamont program. Within the W.D.N.Y., we see a great example of a district informing its community leaders of the importance of proper housing to combat recidivism.

Within the W.D.N.Y., there are multiple community-based resources available for returnees. The Catholic Family Center is an example of a community-based resource assisting with ex-offender housing. Slightly different in its efforts, the Catholic Family Center requires referrals for its housing services.⁹² Another example is the Francis Center, a housing center in Rochester, New York, where potential residents are required to have a referral from the New York State Department of Supervision.⁹³ Finally, there is the Lafayette Housing Program, a development that provides apartments and case management for families in dire need of housing.⁹⁴ Individuals in the Lafayette program are required to have a disability diagnosis to participate.⁹⁵ The American Psychological Association found that approximately 40% of inmates entering the BOP's custody in 2012 battle with substance abuse and chemical dependence,⁹⁶ conditions that fall within the DSM-5 diagnoses of substance use disorder and therefore satisfy the Lafayette housing eligibility requirement.

Facilitating the ease by which the W.D.N.Y. accesses these various community-based resources, the broader community's recognition of the need of these resources and their ability to provide solutions. With a community of support, an organization is not made to do all of the heavy lifting, on its own. We see an example of this in the W.D.N.Y., which, instead of taking the task of reentry wholly onto itself, refers its participants to the appropriate agency. For reentry organizers

⁹⁰ Peter Young Foundation, *Programs, The Altamont Program, Inc.*, PYHIT.COM (Oct. 10, 2015), <http://pyhit.com/programs/> [<https://perma.cc/J55G-PGXH>].

⁹¹ *Id.*

⁹² Catholic Family Center, *Francis Center*, CFCROCHESTER.ORG (Nov. 23, 2015), <https://www.cfcrochester.org/for-professionals/housing-and-emergency-services/francis-center/#content> [<https://perma.cc/8CMG-PCAR>]; Catholic Family Center, *Lafayette Housing*, CFCROCHESTER.ORG (Nov. 23, 2015), <https://www.cfcrochester.org/for-professionals/housing-and-emergency-services/lafayette-housing/#content> [<https://perma.cc/42RQ-7SS6>]; Catholic Family Center, *Sanctuary House*, CFCROCHESTER.ORG (Nov. 23, 2014), <https://www.cfcrochester.org/for-professionals/housing-and-emergency-services/sanctuary-house/#content> [<https://perma.cc/X2GV-GXTU>]; Catholic Family Center, *Women's Place*, CFCROCHESTER.ORG (Nov. 23, 2015), <https://www.cfcrochester.org/for-professionals/housing-and-emergency-services/womens-place/#content> [<https://perma.cc/CQ4U-VB3A>].

⁹³ Catholic Family Center, *Francis Center*, CFCROCHESTER.ORG (Nov. 25, 2015), <https://www.cfcrochester.org/for-professionals/housing-and-emergency-services/francis-center/> [<https://perma.cc/8CMG-PCAR>].

⁹⁴ Catholic Family Center, *Lafayette Housing*, CFCROCHESTER.ORG, (Nov. 23, 2015), <https://www.cfcrochester.org/for-professionals/housing-and-emergency-services/lafayette-housing/#content> [<https://perma.cc/42RQ-7SS6>].

⁹⁵ *Id.*

⁹⁶ Lorna Collier, *Incarceration Nation*, apa.org (Oct. 31, 2017), <http://www.apa.org/monitor/2014/10/incarceration.aspx> [<https://perma.cc/J3HQ-KP2G>].

who may not benefit from the wide spread support that I view in the W.D.N.Y., the basic challenge lies in convincing community members that successful reentry benefits the immediate community. To achieve this end, we can look to the many stories of ex-offenders on parole or supervised release who re-offend and continue to cause harm to members of their community. In my opinion, most individuals do not see that an issue affects them until the issue hits home. In this instance, reentry organizers must ensure that communities understand how they are individually and directly affected by failed reentry.

Whether government-based or community-based, there is an apparent need for adequate housing in reentry.⁹⁷ Given that the housing arrangements that a returnee had prior to incarceration are not guaranteed to remain after release, districts should do as the W.D.N.Y. has and take advantage of the government resources available and lobby their communities for other resources to aid in successful reentry. Using community resources not only comes at a cheaper cost to reentry providers, but it also allows the community to be involved in decreasing recidivism.

2. Social Capital

Social capital is pivotal to a returnee's successful reentry, and returnees are often lacking in this resource.⁹⁸ Imagine a returnee who has spent the last five years in federal prison for non-violent, drug related charges. Upon release, the individual's driver's license will have expired, the individual may not have health insurance coverage and, given the circumstances and period of incarceration, he or she will have lost all or most of his or her government benefits from before the period of incarceration.⁹⁹ Applying for or renewing a driver's license, recouping public benefits, and simultaneously seeking gainful employment and housing is a full-time occupation. When one compounds this predicament with electronic applications and returnees' lack of computer skills, it is easy to see that returnees are desperately in need of social capital and other forms of support.

To ensure that returnees are equipped to cope with changes in communication, technology and the difficulties in the scenario above, reentry organizers should use best practices outlined in the next section. My research revealed that reentry programs that utilize mentors, reentry coordinators and the surrounding legal community can be more successful in improving formerly incarcerated individuals' social capital by giving these individuals more tools and persons of interest to help them successfully reintegrate. Mentors, reentry coordinators and community advocates tasked with assisting reentry efforts can supplement the probation officers' services and be a great help for returnees. Without multiple support agents, returnees may find themselves overwhelmed, attempting to piece together a world that may be completely different from the one they left before incarceration.¹⁰⁰ Probation officers cannot be expected to do all the work in achieving sustained change in an offender; it is vital that other actors step in and assist.

a. Mentorship

My period of observation in two reentry court systems and many conversations with

⁹⁷ Taylor, *supra* note 64, at 12.

⁹⁸ Daniel M. Fetsco, *Reentry Courts: An Emerging Use of Judicial Resources in the Struggle to Reduce the Recidivism of Released Offenders*, 13 WYO. L. REV. 591, 596 (2013).

⁹⁹ *Id.*

¹⁰⁰ *Id.*

reentry stakeholders nationwide led me to conclude that mentorship is a critical mechanism for increasing social capital. Mr. Williams states that, “mentorship is the key to bridge the change from an incarcerated individual to an incarcerated individual. How can someone change when they don’t know what change is or how to change? They need mentorship” Mentors assist with the decision-making process, serve as resources for job and housing recommendations and become friends to returnees who are removed from activity that may lead to recidivism.

However, mentorship receives the least formal recognition, planning and programming in the reentry setting. From a reentry coordinator’s perspective, the primary focus is ensuring that a returnee has certain basic necessities: housing, necessary vocational training and qualifications to seek sustainable employment. There is nothing objectionable about this triage decision in the allocation of scarce resources. But as one District Court Judge in the Southeast states, “You can give a former criminal a steady income, adequate housing, and a plethora of resources – if you don’t change that individual’s mindset or criminal thinking, he or she will engage in the same activities that landed him or her in incarceration to begin with.”

Two reasons that districts use to justify not focusing on mentorship are the lack of viable mentors and the unwillingness to place any more formalities and mandated contact for returnees in the reentry process. Both of these arguments underestimate the power of having individuals in the reentry process who are outside of the judge and probation officer’s purview. Mentors can have more availability and can be contacted through informal means of communication, such as messaging and unscheduled phone calls.

Although few districts focused on mentorship as a critical piece of reentry, individuals who have successfully reintegrated back into society have identified mentorship as the most important aspect of reentry. This is a clear example in which, I saw disconnect between what reentry efforts are offering and what those who have successfully reintegrated found to be most important. Mentorship and the changing of one’s mind should be any reentry effort’s main focus. Instead, a large number of reentry organizers wanted to focus on finding returnees jobs and stable living. Even with a stable job and sustainable housing, without a change in one’s mindset, the same crimes can and will be committed. Individuals who have reintegrated back into society support my view. I had the opportunity to interview Tyson DeVoure, a former member of the STAR program, and he stated that mentorship should receive more recognition and planning:¹⁰¹

It’s about moving from the person that you once knew to a new person, ready to take on new challenges and struggles. Because going from making fast money, a couple of thousand in a week to working minimum wage requires you to alter your mind and be realistic about your wants. Mentorship from someone who has been in those shoes helps with the change.¹⁰²

From my conversations with Mr. Williams, Mr. DeVoure and various reentry organizers, I have identified two effective mentorship relationships: attorney-returnee mentorship, and peer-to-peer mentorship. Attorney-returnee mentorship occurs when a district utilizes the surrounding legal community and its practitioners to serve as mentors. Peer-to-peer mentorship occurs casually, allowing current returnees to learn from each other throughout the reintegration process. No matter the form, these mentor relationships give an individual struggling to make the right decisions an

¹⁰¹ Jamil Favors, personal communication with Tyson DeVoure, December 21, 2015.

¹⁰² *Id.*

extra champion, support system and voice to run his or her issues by – a system that has proven to be effective.

i. Attorney-Returnee Mentorship

Nationwide, more than sixty percent of persons released from prisons return to their old friends, lifestyles and neighborhoods and reoffend.¹⁰³ A way to combat this stark statistic is to implement an attorney-returnee mentorship program. This attorney-returnee mentorship relationship pairs an attorney in the district with an ex-offender reinterring society. It is important to note that the attorneys do not offer legal advice, but their expertise comes in the fact that they are familiar with the criminal justice system and can be valuable to returnees in providing legal knowledge and expertise.

An example of an effective attorney-returnee mentorship program is the Northern District of Florida (“N.D. Fla.”). The N.D. Fla. identifies the presence of bad influences, the absence of social activities to occupy one’s time, or both, as risk factors leading to recidivism.¹⁰⁴ The N.D. Fla. began its mentorship program, which utilizes attorney-returnee relationships to disrupt this recurring cycle and give returnees additional support.¹⁰⁵ The N.D. Fla.’s mentorship program, entitled “REAP (Re-Entry Alliance Pensacola) Community Garden,” is a collaborative effort between community stakeholders and returnees to reduce recidivism rates in their community.¹⁰⁶ To recruit attorney-mentors, the district approached their local Inns of Court, a chapter of the national organization designed for legal minds to network and discuss issues surrounding the law such as ethics, skill development and professionalism.

Officer Stephen Pridgen, Deputy Chief Probation Officer of the N.D. Fla. and overseer of REAP acknowledges that there are benefits and obstacles to only targeting attorneys for their mentoring program.¹⁰⁷ Assuming an effective and working attorney-mentee relationship, several resources that are easily accessible to the attorney can become readily available to the returnee. REAP’s community-based attorney-mentors assist in finding, accessing, and navigating resources needed for a district in reentry, whereas as many other districts struggle to fill this void. For reentry programs that do not have the resources to hire reentry coordinators, community-based attorney-mentors can be beneficial. Even for reentry programs that do have resources to employ reentry coordinators, attorney-mentors supplement the district’s reentry efforts in the day-to-day guidance role of a mentor.

Confidentiality is also vital to an attorney-returnee mentor program’s success.¹⁰⁸ Allowing the relationship to have a certain level of confidentiality provides the mentees with the opportunity to develop trust an improved rapport with their mentors.¹⁰⁹ REAP does not require its attorney to

¹⁰³ Jeffrey D. Morenoff and David J. Harding, *Incarceration, Prisoner Reentry, and Communities*, *Annu Rev Sociol.* 411–429 (2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4231529/> [<https://perma.cc/NY2P-ST59>].

¹⁰⁴ Email from Stephen Pridgen, Deputy Chief Probation Officer in the N.D. Fla. (November 19, 2015) (on file with author).

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

report anything to the probation office unless the attorney feels it is warranted – a message that is shared with the mentees.¹¹⁰ REAP realizes that its mentors are attorneys, and as attorneys they have a good understanding of the law and the criminal justice system. With an understanding of the law, REAP is able to trust that its attorney mentors will make appropriate decisions on which issues to report and which issues to keep inside the mentor-mentee relationship.

REAP has learned that trust is built in attorney-returnee relationships from confidentiality. For example, while watching ReNew Camden one week I was able to encounter a situation where a mentor would have been useful. A participant mid-way through the ReNew Camden program who was formally addicted to drugs and alcohol had a relapse over a weekend in the program. His relapse led to verbal and physical altercations between the returnee and his spouse. The relapse occurred because the individual lost his job and felt broken because he no longer had a way to provide for his family. After the situation occurred, the ReNew Camden team allowed the spouse to speak during the reentry court session that followed. With tears in her eyes, the participant's spouse stated, "He needs help – someone to look to and call on when times get tough because now he just takes his frustration out on me." Just like the participant's wife, I felt, too, that a mentor would be extremely beneficial in this situation. Instead of making a bad decision like this participant did, the participant would be able to contact his or her mentor to potentially help extinguish and troubleshoot the situation.

Although the situation above was the most tragic situation that I viewed, situations similar to the one I have just described occur often in reentry efforts. For instance, while viewing the STAR program, almost each week the Judge would have to scold or reprimand a returnee for minor disciplinary charges or reports of not showing up to work. In almost each instance, the judge would ask, "What happened? – Why didn't you let someone know?" It was clear that the judge felt that the situation could have potentially been diffused or alleviated. Because there is a layer of formality between the judges, the parole officers and the returnees, mentors can be of assistance to diffuse many issues that arise.

The greatest challenge in initiating an attorney-returnee mentor program is recruiting mentors.¹¹¹ Time, scheduling and availability are the primary issues that potential mentors have with participation. Meeting this challenge head-on, Officer Pridgen's primary selling point is that mentorship does not require a large time commitment.¹¹² If one of the purposes of the mentorship is to assist in the day-to-day decision-making, then phone calls, text messages and the occasional personal meeting between attorneys and returnees certainly achieve that goal. Not only do returnees benefit from having this extra resource, mentors learn from the life experiences that returnees bring to the relationship. As Dennis Larry, an attorney in the Northern District of Florida community says, "I've learned more from my mentee than I could teach him in a lifetime."¹¹³ Although I did not get the opportunity to delve further into Dennis Larry's statement, I understand his sentiment from my own experience. As a graduating law student, speaking with returnees and sharing our life stories, I am able to learn how amazing some of these returnees are and how one bad mistake led to their time in prison. Too often we are taught to simply apply the law. Throughout this project, I have learned much from the returnees and plan to incorporate this experience into my career and practice,

¹¹⁰ *Id.*

¹¹¹ Email from Stephen Pridgen, Deputy Chief Probation Officer in the N.D. Fla. (November 19, 2015) (on file with author).

¹¹² *Id.*

¹¹³ *Id.*

where I will not just apply the law, but truly know and understand the person and interpret the law according to their unique circumstances.

Outside of recruitment, building mentorship relationships can bring other difficulties. For example, in REAP, participants move without notice, change phone numbers and mentors' professional workloads become too burdensome. Because of these difficulties, it is important to keep the relationships informal. REAP attempted to combat potential communication barriers by formalizing their relationship and requiring mentorship logs.¹¹⁴ Mentorship logs were meant to serve as a baseline checkpoint between the program and the relationships, but instead, the logs formalized the relationship and hindered participants' ability to speak freely.¹¹⁵ These logs were eventually substituted by constant contact with the mentors and mentees with trust in both parties to cultivate the relationship.¹¹⁶ Despite the troubles in building a steady community, REAP has cultivated over eighteen successful relationships.¹¹⁷

There are drawbacks, and attorney mentors will not be able to solve every issue nor will every relationship be as open. As mentioned, the biggest drawback with using attorney-mentors is that too often attorney schedules are unpredictable. Another drawback is that the attorney and the returnee will come from such different backgrounds and upbringings, that a solid relationship is difficult or unable to be built. Even with the drawbacks, an attorney's decision-making skills and resources can add to a returnee's social capital. As shown through the examples above, returnees can reach out to their attorney-mentors when thinking about making a wrong decision and through that process it is possible that the attorney is able to model good decision-making skills for returnees. Any attorney has had to make their fair share of good or bad decisions, and the growth in that process can be used to produce growth in returnees.

Mentorship relationships have shown to be useful and can assist in reentry efforts. When a mentorship is formed, a friendship is formed. That friendship can lead to increased resource utilization, better decision-making, and a change in the returnee's mindset.

ii. Peer-to-Peer Mentorship

Peer-to-peer mentorship is another tool that reentry programs can use for returnees to improve their social capital. Not only does peer-to-peer mentorship allow for returnees to learn from each other's mistakes, it also allows for combined resources within reentry efforts. One of the most critical ways that this is accomplished in the STAR and ReNew Camden Reentry programs are by utilizing an open court forum, which provides for the perfect avenue to facilitate an open dialogue of issues and remedies to those issues.

Within each open court session, every returnee is asked to have a conversation with the presiding judge about any updates or issues that may have arisen since the last session. Many reentry efforts handle the logistics differently. For instance, in the STAR program, participants are asked to take the stand and speak with the presiding judge on a one-on-one basis. Whereas, in the ReNew Camden program, the parole officers speaks on behalf of the participants and the participants add

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ Email from Stephen Pridgen, Deputy Chief Probation Officer in the N.D. Fla. (November 19, 2015) (on file with author).

in anecdotal details. No matter the logistics, from issues revolving around getting a job to issues a returnee may be having with their children, the topics brought up are broad and forthcoming. Because the sessions are so broad and forthcoming, mentorship evolves into returnees being willing to help one another.

Outside of mentorship, I have seen many great benefits come out of the open forum sessions, such as job referrals and interview tips. As finding jobs is a major barrier for returnees, participants in reentry court are encouraged and rewarded for sharing information about job opportunities and making references. For instance, if one returnee is looking for a job that another returnee has a lead, this information is shared with the court for any interested returnee to take advantage. Another benefit that I saw was in interview preparation and resume review. If a returnee revealed in a session that they received a job interview or was interested in a job, STAR and ReNew Camden both would offer resume revision and interview preparation to ensure that the returnee capitalized on the opportunity. Many participants were applying for and receiving employment at the same jobs due to referrals and interview assistance.

This openness and honesty is so critical to the program's success and continuously leads to growth. For example, in the STAR program, once a participant has reached their last week in the program, the presiding judge asks the graduating participant to give a speech to the other participants. Over the course of my research, I viewed quite a few of these speeches, but one stuck with me because this individual happened to bring his son with him that day. The participant took the stand, pointed to his son and stated, "Remember what you're fighting for and why you can't be back behind bars." This moment was powerful. In a room full of ex-offenders this participant was willing to be vulnerable and share the one piece of advice that got him through the program. Returnees are asked to be open and honest about their struggles within reentry court sessions. It works. By asking returnees to be open and honest, returnees can learn from one another's mistakes and life experiences.

As Tyson DeVoure states, "No matter how hard anyone in the court tries, a person who has never been incarcerated will never fully understand and be able to relate as much as a person who has spent time behind bars and gone through those struggles."¹¹⁸ Each returnee is able to learn from the others because each is going through a similar transition process. The familiarity among the returnees produces trust and understanding. For example, consider a participant in his second week of STAR who is struggling to find employment. After he shares his difficulties, another participant further along in the 52-week program and with stable employment can offer advice and guidance since they were in the same position a few months earlier. These unplanned, organic, informal relationships allow returnees to learn from each other's mistakes, take advantage of each other's resources and build trust.

Another aspect that comes from this form of mentorship is community. While reintegrating, individuals will face the same negative stigmas from society, will likely face the same challenges in finding housing and also face the same difficulties in gaining employment with a "felon" mark on one's record. Through their similarities in the challenges all reintegrating individuals face, having peer mentors brings a sense of community and a sense of understanding that says, "I am not the only going through these problems." Jamar Williams fully believes in community and now works as a Forensic Peer Specialist in the Pittsburgh County Jail to build community among ex-offenders. In his capacity as a Forensic Peer Specialist, he counsels individuals before they are released back into society on parenting, rebuilding relationships and

¹¹⁸ Interview with Tyson DeVoure, STAR graduate (Dec. 21, 2015).

other aspects pertinent to reentry. When asked what major resource was missing in his reentry journey when he was released, Mr. Williams responded, “Continuity of care. Care from the faces you see inside the prison continuously being seen once you get out. A community.” Mr. Williams has vowed to be the continuity of care that he felt was missing from his reintegration, as he understands exactly what lies ahead for these individuals starting their reintegration journey because he is a peer and he has successfully reintegrated himself. Having a community helps reinforce “I am not the only [one] going through these problems” and allows for individuals to learn from one another’s challenges and successes.

Mentorship comes in all shapes and forms; some through formal programming in attorney-returnee mentorship and others through individuals relating to one another with shared experiences in peer-to-peer mentorship. There is a need for mentorship and helping returnees alter his or her mindset in decision-making. One bonus is that mentorship comes with little to no monetary cost - the only investment is time. Finding the right mentors and encouraging supportive relationships for returnees produces major dividends in increased social capital, which hopefully can lead to lower recidivism rates, safer communities and families being with their daughters and sons instead of the BOP.

b. Reentry Coordinators

Reentry coordinators essentially are liaisons between returnees and the resources needed for a successful reentry. In the STAR program, reentry coordinators are the engine that keeps the program running and progressing. A reentry coordinator’s responsibilities can run from organizing and partnering with community organizations to providing service for participants to overcome obstacles to reentry¹¹⁹ to providing assistance with community-based services.¹²⁰ Those services include substance abuse treatment, support groups, occupational training, and family reunification.¹²¹ For example, returnees often find it hard to complete the applications for government-based resources such as the Second Chance Voucher Program and the Supplemental Nutrition Assistance Program and hard to take advantage of available assistance when seeking appropriate housing. After observation, their reentry coordinators within the STAR program find ways to navigate returnees through the application processes for government-based resources and also find ways for returnees to be aware of and take advantage of various assistance programs available for returnees in the Philadelphia community.

STAR utilizes two reentry coordinators to support its reentry efforts. I would describe the STAR’s reentry coordinators jobs as both helping returnees find and navigate the resources available for successful reentry. They constantly field calls from participants about daily issues, research job opportunities, connect participants with education resources, help navigate complicated government application processes, connect participants to legal services, and deal with emergency housing issues. On a more informal basis, the reentry coordinators in the STAR program, serve as contacts for participants’ day-to-day issues and check-ins. The two reentry coordinators constantly receive texts, calls and emails from participants. These reentry participants receive almost immediate responses from the reentry coordinators, whereas a judge or parole officer

¹¹⁹ Taylor, *supra* note 64, at 50.

¹²⁰ *Id.* at 50.

¹²¹ STAR Program Overview (Oct. 31, 2017), <http://www.paep.uscourts.gov/re-entry-court>.

may not be able to respond or be readily/as available. The level of trust and comfort that the reentry coordinators have built with their participants foster a system where issues are addressed real-time and information is dispersed immediately.

I noticed that one of the important tasks of a reentry coordinator involved recognizing, locating, and providing resources. Recognizing the resource needs of returnees is difficult. The STAR program offers the advantage of time and experience, so participants' reentry coordinators are able to predict and address many of the common problems and needs of returnees before they occur. As each returnee comes into the reentry process with his or her own set of needs, the STAR program's reentry coordinators locate and provide resources that become available for that returnee and future returnees. The vastness of STAR's resources spans resources that assist returnees obtain health insurance to resources that assist returnees with tax preparation. To acquire resources to support their participants, STAR's reentry coordinators contact non-profits and community outreach organizations in Philadelphia. Since locating and providing these resources is a time-consuming process, having reentry coordinators to take on these tasks is beneficial.

Once these resources have been found, the next difficulties involve organizing and making the resources available to returnees. STAR's reentry coordinators catalog, in binders, each resource used since the program's inception to ensure organization and availability for future returnees. Each resource binder has information for almost every difficulty that a returnee may have from identification to housing to legal assistance. Instead of keeping these resources cataloged electronically, STAR provides hard copies that can be brought to court proceedings and easily distributed to participants who might not be able to access them in electronic form.

Reentry coordinators do not limit their support to finding resources; a major responsibility they have is assisting returnees complete the process to receive these resources.¹²² Employment applications, employment interviews, and other resources provided to returnees are not easy. An example of a difficult application is the public housing voucher application. A voucher application is long, cumbersome and time consuming. But, since STAR's reentry coordinators have seen this application multiple times, reentry coordinators have the benefit of learning from their past experiences assisting returnees. After assisting several returnees apply for a resource like a public housing voucher, a reentry coordinator becomes an expert at the application process and is able to make the process easier for future returnees. STAR's reentry coordinator's increasing experience with each resource reduces the time spent navigating each resource and increases the efficiency and effectiveness of the resources available.

Many federal reentry programs give the responsibilities that I have outlined for a reentry coordinator to probation officers. During my conversations about the possibilities of hiring and obtaining reentry coordinators with multiple individuals handling reentry efforts around the country, most recognized that their budgets did not allow for additional spending. Lack of funding was and continues to be a major issue for many reentry efforts looking to expand. The funds spent on hiring a reentry coordinator would potentially mean that funds would be taken away from actual reentry efforts. This is exemplified through one of my conversations with a federal judge in the southwest, when the judge stated, "Why would my district want to spend money on a reentry coordinator, when we can barely pay for the staff we have now?"

In places with adequate funding to expand reentry efforts, some just did not see the need for a reentry coordinator. The issue is that most individuals handling reentry efforts do not fully understand what it takes to reenter and what support systems are needed to reenter society. During

¹²² *Id.*

an interview with Jamar Williams, he stated, “I started in reentry work because when I was being released, there was no one to help me and the parole officer was not in a position to help.” This statement is from an individual who knows what it is like to struggle first hand and understands what is needed. It is apparent that parole officers are needed, but what is not understood is that reentry coordinators or others, primarily focused on reentry are needed as well.

There are some communities that can effectively use their probation officers as reentry coordinators, but those individuals admitted that time spent on reentry came secondary to their traditional roles. In a conversation with a parole officer in the Eastern District of Pennsylvania, he stated that after doing his traditional supervisory role, there is usually no time left to contact community resources or do half of the tasks that are done by the two reentry coordinators. Ultimately, I did not find that reentry coordinators could take the place of or be more effective than probation officers in decreasing recidivism, but I did find that those who primarily committed their time to providing reentry resources were far more successful in increasing social capital by assisting participants recognize, locate and navigate resources. Through this research, hopefully those responsible for reentry efforts around the globe will start to see that reentry coordination is a full-time job and to be most effective, an individual should be able to give his complete focus to reentry instead of having reentry being a mere bullet point on his task list.

c. The Surrounding Legal Community

Some of the most successful reentry efforts not only use mentors and reentry coordinators to increase social capital, but they also utilize the surrounding legal community (i.e. non-profit programs and law schools). Reentry organizers should utilize the surrounding legal community for two reasons—labor and experience. First, for areas that cannot afford reentry coordinators or that do not have enough probation officers to allocate much time to reentry, the use of the surrounding legal community can provide donated legal services. Second, by using the surrounding legal community, attorneys gain experience through pro bono work and students can gain training through externships and clinics.¹²³ Collaboration with the local legal community also reinforces the community’s understanding and investment in the importance of successful reentry for the incarcerated population. In their report, *Returning Home to Harlem*, judges from the Harlem Parole Reentry Court stated that community involvement in reentry is important because having resources available to a returnee alleviates some of the difficulties returnees face.¹²⁴

The STAR Program uses area law schools and their clinics to support their reentry efforts.¹²⁵ The STAR Program offers a “Federal Reentry Court Course” to all area law students. The aim of the course is to assist Reentry Court participants with the multiple legal, social, family, and logistical issues they will confront upon their return to society after years in prison. Some of the legal issues that students assist participants with include: challenging traffic violations and fines, obtaining a driver’s license or occupational license, opening a default judgment entered while incarcerated, challenging arrears on child support accrued while incarcerated, planning for business or non-profit formation, and assisting with landlord/tenant disputes.

The bulk of in-court student representation takes place in the Traffic Division of

¹²³ See Pinard, *supra* note 67, at 613-15.

¹²⁴ Hassoun Ayoub, L. & Pooler, T., *Coming home to Harlem: A randomized controlled trial of the Harlem parole reentry court*, Center for Court Innovation 57-58 (2015).

¹²⁵ Pinard, *supra* note 67, at 613.

Philadelphia Municipal Court (“Traffic Court”). While traffic violations may seem like minor inconveniences, they can present serious barriers to reentry. For instance, these violations may result in license suspensions that may limit the ability of a participant to find employment and/or may result in significant fines that limit a participant’s ability to become financially stable. Students who work in reentry courts benefit from training in a courtroom and advocating on behalf of returnees in traffic or other small claims courts.¹²⁶ Returnees benefit from working with students because students can devote a lot more time, energy, and enthusiasm than practicing attorneys.

Returning home from incarceration can be difficult. Social supports that increase social capital allow returnees to have increased access to much needed resources. By providing reentry coordinators and community support, reentry programs can ensure that returnees receive the appropriate guidance to navigating resources, which ultimately improves their social capital and road towards success.

IV. CONCLUSION

Amendment 782 was one of the largest discharges of federal prison inmates that our nation has seen, and thankfully,¹²⁷ ore amendments and legislation are in the pipeline.¹²⁸ With this large number of individuals returning to communities, there are and will continue to be challenges facing the returnee population and difficulties with providing adequate resources. Even with adequate resources available, it takes the appropriate personnel with adequate time to both support and distribute these resources effectively.

My research has introduced two key challenges facing the returnee population— returnees housing needs and social capital. To combat these challenges, reentry organizers should consider making use of the best practices that I outlined, such as using government and community-based resources to combat housing issues along with utilizing mentors, reentry coordinators and the surrounding legal community to garner social support and improve social capital. While we have yet to see the final tally, we know that over time, the number of individuals released from federal prison will increase. Therefore, the challenges facing the returnee population should be taken seriously. The interventions I have highlighted should illuminate the path going forward.

¹²⁶ See generally Pinard, *supra* note 67, at 614-15 (discussing the potential need for law students to lobby housing administrators or contact employers to advocate for the hiring of ex-offenders).

¹²⁷ Schimdt, *supra* note 39.

¹²⁸ See generally H.R. 3713, *supra* note 51 (referring to a bill reforming sentencing laws).