

Company: FBI ACS ONLY ACCOUNT)

Conference Title: President's Commission on Law Enforcement and the Administration of Justice

Conference ID: 4278911

Moderator: Dennis Stolka

Date: April 23, 2020

Operator: Good day and welcome to the President's Commission on Law Enforcement and the Administration of Justice conference call. Today's conference is being recorded. At this time, I'd like to turn the conference over to Director Phil Keith. Please go ahead sir.

Phil Keith: We thank you for joining us today for this important Commission teleconference meeting. This will be our last call of the week. And at this time I'd ask the Executive Director Dean Kueter to conduct our roll call of commissioners.

Dean Kueter: Thank you, Mr. Chairman. And before I call the roll, I'd like to remind everybody that this event today is open to the press and for any members of the media on the call. If you have any questions or need any clarification on anything, please contact Kristina Mastropasqua in the Justice Department's Office of Public Affairs. And with that, I will call the roll. Commissioner Bowdich.

David Bowdich: Here.

Dean Kueter: Commissioner Clemmons.

James Clemmons: Here.

Dean Kueter: Commissioner Evans.

Christopher Evans: Here.

Dean Kueter: Commissioner Frazier.

Frederick Frazier: Present.

Dean Kueter: Commissioner Gualtieri.

Robert Gualtieri: I'm here.

Dean Kueter: Commissioner Hawkins.

Gina Hawkins: Present, thank you.

Dean Kueter: Commissioner Lombardo.

Female: Commissioner Lombardo will be joining momentarily.

Dean Kueter: Commissioner MacDonald.

Erica MacDonald: Present.

Dean Kueter: Commissioner Moody.

Ashley Moody: I'm here, good afternoon. Oh great.

Dean Kueter: Commissioner Parr.

Nancy Parr: I'm here.

Dean Kueter: Commissioner Price.

Craig Price: Good afternoon; I'm here.

Dean Kueter: Commissioner Ramsay.

Gordon Ramsay: Here.

Dean Kueter: Commissioner Rausch.

David Rausch: I'm here.

Dean Kueter: Commissioner Samaniego.

John Samaniego: I'm here.

Dean Kueter: Commissioner Smallwood.

James Smallwood: I'm here.

Dean Kueter: Vice-Chair Sullivan?

Katharine Sullivan: Here.

Dean Kueter: And Commissioner Washington.

Donald Washington: Here.

Dean Kueter: Mr. Chairman, that concludes the rollcall.

Phil Keith: Thank you Dean. Any other announcements to make today?

Dean Kueter: We're clear; we're good to go.

Phil Keith: Okay thank you. We have completed the hearings on crime reduction and we're transitioning to the topic of reentry. All the commissioners should now have the bios and testimony of this panel. And as a reminder, we'll be posting all these materials on the Law Enforcement Commission Website. Once again, we cannot thank the Commissioners and working groups enough for your commitments and efforts for this historic commission. On behalf of General Barr, we thank each of you.

As noted on previous calls, we encourage commissioners to take notes during the testimony of the panelists and we'll then open to questions after the last witness.

Commissioners know we spent the last two weeks on the topic of crime reduction. And yesterday, we heard from victims. Today we'll transition to the topic of reentry and learn about best practices, successful programs, and where we as a nation and the components of the criminal justice system or systems can make and/or facilitate improvements to our current environment.

Our first distinguished panelist is Mr. Tony Lowden who is the Executive Director of the Federal Interagency Council on Crime Prevention and Improving Reentry. He has lengthy dedication and period of service to the issues involving reentry. Thank you for joining us Mr. Lowden. You are recognized.

Tony Lowden: Thank you Mr. Chair and to all the Commissioners. Thank you for allowing me to be a part of this, I'd call, historic event. And I've been blessed to be a part of some of your panels and listen in. And you guys are doing tremendous work and I just want to be a part of it and also help implement the report once you guys finish the report.

I'd like to start off by saying that the reentry process, I believe, begins the day of the individual's arrested and enters the criminal justice system. What we do from Day 1 determines how we can successfully transition that individual back to society and successfully decrease their likelihood of returning to criminal behavior and creating more victims.

From the evidenced best-practices that I've seen in the State of Georgia and other places around the country are those evidenced-based programs when we find a way to make sure that from Day 1 they enter into our programs we have a game plan to get them to change their behavior and their culture as well as put together a, what I call, a GPS Plan - a transition accountability plan - where that individual, the moment they get ready to go home, they are prepared to go home.

I believe in making improvements in the way we prepare formal offenders to reenter society is critical. It's a critical element for an effective crime prevention strategy - not just from what we do as staff, correction officers to reentry officers - but what we do for the aftercare too so that those individuals do not return back into our facilities.

This year alone, over 42,000 inmates will be released from the Federal Prison System and many will return to their communities with strained relationships where either their families, their loved ones or victims of their crimes. And special job skills are making a sharply angled upward mobility for them to actually compete within our society.

Every day the criminal justice system makes decisions that have enormous implications for public safety and spending. Since 2007, more than 30 states have passed significant reforms designed

to prioritize prison beds for serious offenders, reduce incarceration, reduce recidivism rates, and contain costs. Red states like Texas, Georgia, South Carolina, Utah, and others have seen real results. Texas, for example, saved taxpayers over \$2 billion while dropping its crime rate to its lowest level since 1968. In Georgia and some of our metropolitan cities, we've seen the crime rate at its lowest ever because of the things that we've done proactively around our criminal justice reform systems.

Standing up, a reentry prison, turning a prison - a Level 3 prison - into an evidenced-based program facility where all 467 inmates now are on track to complete the program to change the culture and the behavior so that they can go back out into society. Standing up charter schools with inside prisons so the young men and women can graduate with a high school diploma, and some of them for the first time ever, hearing a graduation song marching down the aisle. Looking at ways of bringing the faith-based organizations inside our facilities so that they can start helping changing the behavior and the culture and help out with the family reunification. But more importantly, bringing in companies and employees who can hire these returning citizens the moment they get out.

And I will say this here, and I know there is going to be a lot of experts today to talk about different types of frameworks and models, but I would like to talk about one that I saw out in Las Vegas. And it's called Hope for Prisons program run by a gentleman by the name of Jon Ponder. This program is one of the most unique programs I've seen in my entire life where they actually have the folks that are arrested - the individual for their crime - is now mentoring doing an aftercare process.

Changing the culture and the stigma of individuals that they've arrested, but more importantly, making Las Vegas safe. And that program, I had an opportunity to go down and monitor the program and look at the fact that now they have trust with the law enforcement agency and trust with what I now call the returning citizen.

Some of the lessons that I've seen and have learned throughout our challenges is that policymaking and legislations are much easier to accomplish than implementing. So often we know that we pass legislation and do reentry and prison reform, and those buzz words have been around forever. But if the implementation piece - which is the most important part - it requires that we take the opportunity to know that we have to have the guidance to do it, the time to do it, the organization and the competency to do it so that we can get the job done; dedication to data-driven resources and approaches that make our strategies work.

And then spend most of our time focusing on core areas that trace sustainable system change. And I like to use that word and underline the word sustainable. Too many times we send out RPS and grants and get people excited about prison reform, and then that program is not sustainable when in four years later, after the grants have run out or two years later after the grant is over, now we have a different model and something different that's not sustainable. And that best-practice program that we championed is no longer in existence.

Engage local communities in planning and coordination because it's very important for them to be a part of the aftercare as well as bringing them inside our systems to work on reuniting them back to their community.

And then lastly, my recommendation, and I will close with this, utilize a program assessment inventory - similar to what they did in Cincinnati, similar to what they did in Georgia, similar to what we have on a federal level, the PATTERN - on existing programs to determine the strength areas of improvements and gaps. Establish risk needs, response activities, assessments for all offenders that is the norm on the population. Utilize evidenced-based practices - models - and some of our models are going to be different. But let's look at models that work and not something that sounds good or a good story. A family unification.

Reentry plans established prior to release and share with stakeholders. And why do I say share with stakeholders? Because those stakeholders will help implement those reentry plans once the after-care process takes place.

Stakeholders and all direct/indirect services be educated in knowing who you're working with and what literature and motivation interviews we need to make sure that we bridge that gap so it's sustainable. I've seen a program that just peaks my attentions and my interests that's called Credible Messengers. The U.S. Attorneys in Atlanta and several other states are using it where former inmates who have made it and out and doing great things are meeting men and women at the door once they been released; walking them through their case plan, walking them through the process of going to work the very next day; walking with the family unification plays. It's one of the most incredible mentorship programs I've seen in a long time.

Implement reentry counselors, and I know someone will say, "Well we have reentry counselors." And that's good but I do believe that we need to go a little bit deeper with what I call Reentry Navigators who can start working with them with their plans, walking them with their plans, because 90% of the individuals who are coming through our system don't have the soft skills or they adapted to a culture that's inside our prisons.

And reentry advocates who can connect the community, employers, all in one holistic approach to make sure that the system is running together.

Assessment classifications, inmate programming, inmate relief preparation, supervision and services, discharge and aftercare; I believe that those things are crucial when we talk about evidenced-base principals guiding offenders interactions at every decision point - and I mean every decision point once they get ready to come home.

And thank you. I'll leave the rest of my time for questions.

Phil Keith: Thank you Director Lowden for your informative testimony and certainly many years of dedicated service.

Our next distinguished panelist is FBI Special Agent Jason Hardy out of the New Orleans Office of the FBI and who is the author of *The Second Chance Club: Hardship and Hope After Prison*. Thank you for joining us today, Agent Hardy. You're recognized.

Jason Hardy: Good afternoon. Thank you, Commissioners, for having me. It's an honor and a privilege to speak with you.

My name is Jason Hardy. I'm an FBI Agent stationed in New Orleans. But I'm here today to talk about my years of working as a probation and parole officer - or PO as we were known to our clients.

There are currently about 4-1/2 million people on probation and parole in America - more than double the prison population. In simplest terms, probation and parole are the final outcome and most felony convictions in this country. As such, probation and parole should be at the heart of any honest discussion about reentry.

Unfortunately in many jurisdictions, probation and parole are afterthoughts. In 2012 when I began my career with probation and parole in Louisiana, the only tool we had at our disposal to keep people from going back to prison was the prison system itself. Our pitch to clients is simple: knock it off or go back to jail.

Even as a rookie PO, I could see that the math didn't add up. Prison, necessary in some cases, was also the most expensive solution to climb and most intrusive. But if you inform a certain

segment of the population in a way that was more equitable both to our clients and to taxpayers, why weren't we doing it?

I'd like to speak to you today about five obstacles to affective reentry through probation and parole and also a few common sense cost-effective solutions.

Obstacle number one: high PO caseloads. If a PO is to help a client change his life, he has to get to know the client on a human level; his past goals, his goals for the future, his sense of where he went wrong last time around. POs do this not only through conversation at the office but also through home visits, visits on the job sites, and check-ins over the phone.

But with a caseload of 220 clients, I was on a first-name basis with about 60. Half of my caseload I couldn't have picked out of a lineup. Caseloads in the 200 range was the norm across Louisiana. It came as no surprise that 43% of paroles in the state were back in prison within five years of their release.

To help bring caseloads down to a more manageable level, the commission should consider allocating federal funds to supplement PO staffing in high poverty/high crime areas. Before defunding positions deemed cost-prohibitive, consider covering the cost of training. Police Academies represent major up-front expenses, but also impede agencies ability to hire.

Obstacle number two: life of addiction counseling and detox services. Substance abuse played a role in the troubles of more than 70% of my caseloads. I told clients to be candid with me about their addictions, but they figured out pretty quickly that this was bad advice. If they told me they had relapsed, I took them to jail. The city jail was the only detox facility that POs could access on short notice.

Once detoxed, clients could usually be admitted to short-term in-patient facilities throughout the city, but the process was a total crapshoot. Our own agency had no established relationship with a given facility. POs were in effect dependent upon the charity of outside organizations most of which were in turn relying on grant money and donations to stay afloat. It wasn't uncommon for me to send a client to a facility only to discover that the funding had run out and there was a padlock on the door.

While underwriting in-patient treatment facilities may prove too costly, the commission could consider providing federal funding for medical detox services to support the needs of local law enforcement in jurisdictions where city and county jails currently shoulder the majority of the detox burden.

Obstacle number three: Lack of housing resources. According to Volunteers of America, about 10% of inmates parole to the streets. In New Orleans, as in many cities, our homeless shelters were extremely dangerous and full of drugs. I knew of only one functional half-way house. I honestly can't remember a single homeless parolee who completed his supervision. Every one of them eventually went back to jail either as a result of committing a new offense or because I came to believe that locking them up was the only way to save them from a fatal drug overdose.

In one respect, housing is a straightforward issue. Parolees with housing have a better track record of getting work, staying clean, and maintaining interpersonal relationships. The main obstacle to addressing homelessness is the cost. One possible solution for the Commission to consider is a short-term rental voucher system to give parolees at least three months to try to get on their feet. A more affordable alternative could be providing federal funding to support the development of a broader network of half-way houses so that no parolee is sent directly to the streets.

Obstacle number four: Lack of job training and employment opportunities. Many of my clients had at best an eighth-grade education. No more than half had a high school diploma or GED. Everyone had a criminal record. Even entry-level employers often refuse to consider probationers and parolees.

The only job opportunities that seem to pan out involved employers who were going out of their way to hire people with criminal records. These employers were willing to work with our clients as they transitioned from prison life to the community. Sometimes this meant being patient with time management, sometimes it meant playing an active role in training and retaining the individual. To POs, these employers were God-sent. Gainful employment was the single most reliable predictor of rehabilitation.

While funding job training and trade-school programs has a lot of potential for higher-functioning clients, I recommend that the commission focus on incentivizing employers to recruit probationers and parolees from across the spectrum. One way to do this would be to consider new tax incentives to induce small business owners to train and hire people with criminal records.

Obstacle number five: Lack of mental health resources. Like untreated substance abuse, untreated mental health struggles are a recipe for future crime. No less than a quarter of our clients - and probably far more - struggle with their mental health. Public mental health care was available through the state, but clients needed a prior diagnosis to take advantage of this service. The only way to get a client's diagnosis was to provide access to healthcare, and almost none of our clients received Medicaid benefits - even though nearly all of them met the income requirements.

To ensure that probationers and parolees who qualify for public assistance receive it, the commission could recommend mandating that all state-level felony inmates be screened for Medicaid before they are released. This could be done by finding additional social workers within

state prisons or by covering overtime pay for current staff. POs who can put clients immediately into needed healthcare services - especially among clients suffering from substance abuse disorders and mental health struggles - have a far better chance of keeping clients from reoffending.

The math that POs learn to do over time can feel cynical. Most of us train ourselves to think in terms of not of wins and losses, so much as harm reduced. We couldn't convince every drug dealer to get a day job. We couldn't help every addict get clean, or every person struggling with his mental health to take his medication.

But for every client we redirected from a life of crime and incarceration, the ripple effect was immeasurable. Clients who got well and got employment went from tax burdens to taxpayers. They became better parents, better neighbors, and better citizens.

As crucial as the reentry initiatives are in our prisons, they come with one important limitation. Prisons are a controlled environment. Probation and parole take place in the real world; new skillsets, new coping mechanisms, and new ways of thinking have to hold up to the stresses of daily life.

A PO needs time to get to know all of his clients and resources to address his needs can help the client make adjustments as he goes and redirect him when he strays from the path. Prison reentry lays a crucial groundwork, but probation and parole are what bring the formally incarcerated individual home.

Thank you commissioners for your time. I look forward to answering any questions you may have.

Phil Keith: Thank you, Agent Hardy, for your valued testimony and certainly for your service to our country.

Our next distinguished panelist is John Koufos who is the National Director of Reentry Initiatives at the Right on Crime campaign. Mr. Koufos is also the Executive Director of Safe Streets & Second Chances. Mr. Koufos, thank you for joining us today. You are recognized.

John Koufos: Thank you Mr. Chairman, thank you Vice-Chair Ms. Sullivan and esteemed Commissioners. It's a real honor to be testifying before you today.

I have a little bit of a different pathway to reentry than the prior two esteemed panelists. I started my career in New Jersey and became a certified criminal trial attorney. I was a defense lawyer and a civil rights lawyer. However, I was a completely functional alcoholic. Many of the things that Special Agent Hardy was talking about in addiction treatment speaks to me directly.

And in 2011, I crashed my car driving drunk and hurt someone and tried to lie my way out of it. And that ended my 20-year battle with addiction. Thank the Lord that person I hit lived and recovered. But I would go to prison in the New Jersey State system. And I tell you when I went to prison - I want to start with this.

You know, despite the fact I had owned a law firm, had all the trappings of success, nobody in prison asked me for money. But nearly everybody in prison asked me for a job. Virtually everybody I dealt with did not want to go back to prison and just simply did not know how.

So I had no idea candidly at that point what reentry was. Back then, it was a term that was floating around. And I had no idea I would work in it.

Until I saw almost a Kafkaesque system where prisoners would leave the New Jersey Department of Corrections to go to half-way houses without identification or with old fines and

fees. And then they'd be returned almost, you know, in a matter of weeks because they couldn't get a job or because an old warrant popped up.

And as a person who tried many, many murder cases in my life, I said, "You know, this is something that is relatively simple. I don't know why anyone is not fixing it."

I had the blessing of being granted parole. And New Jersey's parole system at that time is a model I would encourage the commissioners to look at. Back then, it was led by Jim Plousis was the Chairmen. He was the former U.S. Marshal in New Jersey under George W. Bush. And one of the most innovative parole chairs in this country and a law enforcement leader.

And New Jersey's parole system was one that did its best to connect people to employment and did a very good job of handling fines, fees, warrants, etc. The problem they faced was that they didn't get the person until at some point post-release.

So, I had a chance meeting in New Jersey with a former governor - former Governor Jim McGreevey - who was done ministry inside one of the jails. He took me to see Governor Christy at the time, and we ended up building something called the New Jersey Reentry Corporation. And what we did with the New Jersey Reentry Corporation is we focused on four broad areas in a hub-and-spoke model. And what I mean by that is we served - as Director Lowden talked about - the reentry navigator. We served that purpose.

So people came from eight different counties - we had nine physical plants in eight counties. and the first thing that would occur when a person entered our facility was we would do an assessment that covered behavioral addiction, physical health, do they have suitable housing, what workforce skills they have, and do they even have identification. So once we did that, we could assign people to fix those different things.

Which brings me to my three broad recommendations I put in my - or listed in my - written testimony. And those speak - and those are a problem in every state I deal with. And I deal in about a dozen states - the Safe Streets and Second Chances Project I have the privilege of leading is a research and foreign policy project that's operating in Florida, Texas, Pennsylvania, Kentucky, South Carolina, Ohio, and Indiana. I've also done a lot of work in Mississippi, Iowa, New Jersey of course, and on The First Step Act.

So the one commonality - and I think is a really nice place that the commission can focus on - are incentivizing prisons when DOJ money goes to prisoner reentry efforts whether it's in the prison and state, that every inmate needs to leave incarceration with a DMV - a Department of Motor Vehicle - non-driver identification card or a driver's license; not a prison ID. Even in states like New Jersey, the prison is still releasing almost all their inmates with a prison ID which is valueless; it's worth about one point when you try to get a real identification - a real ID card now.

I took the liberty of listing a table of services - and Special Agent Hardy addressed a lot of these in his testimony - of the types of services that are necessary for success in reentry. And if you refer to the table on page 2 and 3, you'll see just the basic eligibility requirements for every single one of these things is at minimum identification. So it's the lowest hanging fruit that no one is hanging up.

Florida has a really good system if you were born in the State of Florida. So Florida will get you a birth certificate and the identity documents you need if you were born in-state. If you were born out-of-state, you're out of luck. So those are the sorts of things that need to change.

Moving past ID, the next thing we can do - and what I'm about to tell you is going to free up law enforcement resources and of course promote success for the returning citizen - which is create a system to resolve fines, fees and low-level charges before release. So as everyone in the prison knows, an inmate is ready to leave, a detainer check is performed. If someone shows up with a

detainer and the jurisdiction doesn't want to come get them, a new court date for a few weeks/few months down the road is given typically for some unpaid fine.

Well what happens then is the population when they're released still has no ability to resolve that but they've been sitting in prison for X-amount of years and could have resolved it while in prison.

We dealt with this problem in New Jersey. I ended up having the privilege of building the largest driver's license restoration program in the country. Seventy pro-bono lawyers connected by a single cloud-based case management system, and we restored over 400 drivers licenses in the three years I was there. Thousands of pieces of identity documents, and then people could get living-wage jobs.

One someone has those basic identify documents and other supportive services that other folks have mentioned, one of the great untapped resources for businesses in this country is the WIOA - W-I-O-A - On The Job Training program. What OJT does is it reimburses an employer for up to 50% of a person's salary so long as they're working towards individualized - excuse me - industry-recognized credentials. So if you have someone that you're going to train on the job, they might have an OSHA certification, they might have servsafe, they might have an electrical certification, the employer can recoup this money. This is administered by the U.S. Department of Labor.

But two problems; number one, the people that come into the American job centers to apply - the returning citizens - don't have the eligibility requirements because of the things I mentioned before; and number two, the application process, the incentives need to be aligned. And if you do that, that money exists, and it would require very little additional money. In fact, most jurisdictions don't even spend all their OJT money that they're given pursuant to WIOA allocation each year.

I think you'll see a great return on investment if you do those things.

And I'll just close talking about a couple of other programs. I think, you know, I'm a big believer that good reentry can only work if it begins with a badge - which probably speaks, you know, volumes to the Commissioners. I would encourage the Commissioners to check out the Federal Reentry Court in the District of New Jersey. These are courts led by the U.S. Attorney's Office - by Craig Carpenito. And before that, Paul Fishman was a big proponent of them. And there are reentry courts in Newark and Camden, again, they are led by the U.S. Attorney's Office where folks on supervised release - released after their prison sentence can work that number down.

I would encourage folks also to look at what John Wessel's doing in Pennsylvania connecting PennDot to his prison system which helps to alleviate some of the identification issues. Heidi Washington in Michigan has her Vocational Village Program, great job training program. And Brian Sterling in South Carolina Department of Corrections is doing - has three separate re-entry prisons where offices of motor vehicles, offices of labor, human services, they all hold standing offices in these re-entry prisons to provide greater connectivity to service - to different services.

I want to thank you all for your time. And I look forward to the question and answer session. And one last thing I'll close with is effective re-entry is one of the best crime prevention strategies law enforcement can get involved in. It's like a hospital targeting the sickest population. As law enforcement officers you already know that the people coming out of the prison system are the most likely to commit crimes and go back.

If we target them effectively we'll be able to make safer and more prosperous communities, free up precious law enforcement resources to fight crime for those people still committing crimes and as Pastor Lowden said, we'll see a great return on family reunification. And with that I yield and thank you.

Phil Keith: Thank you Mr. Koufos for your testimony and for your valuable contributions to the criminal justice system. Our last panelist today is Dr. Grant Duwe. He is a Criminologist and Research Director at Minnesota Department of Corrections as well as a scholar at Baylor University's Institute for Studies on Religion. He's published over 50 research studies and program evaluations Dr. Duwe, thank you for joining us today. You're recognized.

Grant Duwe: Thank you and good afternoon. I'm Grant Duwe, Research Director with the Minnesota Department of Corrections and it is a privilege and an honor to be able to provide testimony today on the topic of reentry. Given my background, I've been with the Minnesota DOC for over the last 15 years. I'll be focusing on prisoner re-entry.

When we attempt to determine the effectiveness of prisoner re-entry initiatives, we often look at post-release outcomes like recidivism or employment. But when we see five year re-arrest rates that are near 80% and ex-prisoner unemployment rates that are much higher than what we see for the rest of the U.S. population, many have concluded that we don't do prisoner re-entry very well.

In fact looking at this same evidence the conclusion that's been drawn is that our state and federal prison systems are broken. And when we talk about prisoner re-entry, sometimes there's a tendency to focus on that which occurs either right before or right after release from prison.

It's often said and it was even mentioned earlier in the same context that re-entry begins the day after someone's arrested or, in the context of prisoner re-entry the day after someone enters prison. So, if we're really serious about improving re-entry outcomes, then I think we have to take a closer look at our prison systems in general or to put a finer point on it, I think we need to rethink how we do corrections in this country.

And so for the rest of my testimony, I'm going to offer four key recommendations that at least in my view would produce leaner more cost effective prisons that are more successful in providing

positive re-entry outcomes. My first recommendation involves the elimination of warehousing. What I mean by that is when someone comes into prison they don't participate in any meaningful programming and then they get released.

Recent research has shown that about one-third of those in Minnesota's prison system are warehoused and we see about half of those in the federal prison system do not participate in any evidenced based programming. When prisoners get warehoused, we see significantly worse outcomes for prisoners' conduct, post-release employment and recidivism.

There has been quite a bit of research that's been done over the last three, four decades that has shown there are effective interventions that reduce recidivism by targeting known risk factors for re-offending. Examples include substance abuse treatment, cognitive behavioral therapy or CBT, sex offender treatment and some education employment programs.

This body of programs which is known as the What Works Literature has really focused on determining whether individual programs or types of interventions are effective. And that's important. It's critical for us to know which programs or interventions work and are effective in reducing recidivism but this same body of research hasn't shed much light on whether enough prisoners receive effective interventions. Or whether those who do receive interventions have been given enough of a dosage.

We see that CBT, for example was an effective intervention but what if only 1 or 2% of the state's prison population is getting access to this intervention. And that's not all that uncommon by the way. But would we expect 1 or 2% who participate in an intervention, would that have an impact on the overall recidivism rate? Probably not.

But what if that intervention was administered to say 20% of the population? Or 30%? Would we start to see changes in the overall recidivism rate? Perhaps. But one of the things that we've

learned from the What Works literature is that programming delivered to people who are lower risk, sometimes they can make outcomes worse.

I would argue though that too often we use this as an excuse to do nothing. Prisons don't have to be criminogenic finishing schools for crime which is sometimes what they're made out to be. But this is what they are however when we warehouse people in prison.

We should be focusing more on dosage and more specifically the extent to which inmates are participating in programs. And I would argue that we're under-programming or under-treating those in prison and the lack of programming resources has been due, at least in part, to our overuse of prisons.

But it's also due to how prisons have been designed. A lot of correctional facilities in this country were built years ago. They weren't necessarily built with the idea, how can we make this prison a more program-rich environment that optimizes the delivery of effective programming?

Instead, prisons have been designed and constructed for isolation security and control. My second recommendation is that we can deliver more programming that's proven to be effective without increasing the cost through prison downsizing. Over the last decade or so we have seen in other nations the prison rate has decreased. And I would argue over the last four to five weeks it's dropped even more. Because we've overused prison, I would also argue that this decline is a step in the right direction. Further reducing the use of prison is necessary to not only lower the cost but also to free-up the physical space that's needed within prisons to provide more programming because that's one of the things that sometimes, for those who are unfamiliar with the prison environment, that there's often a lack of physical space to provide programming.

And especially if prisons are filled to capacity, then that means that there's even less space to do that. We can reduce the size of prison populations without significantly compromising public

safety by restricting probation and parole violators admissions which make up about two-thirds of all prison admissions by restricting those to the riskiest, most serious violator.

When they enter prison, when people do enter prison, it should be long enough to participate in effective programming, which usually lasts between three and nine months. So, revoking someone into prison and keeping them there for 45 days or 60 days and they're being warehoused. They're not participating in any programming. That doesn't make any sense from a public policy perspective. And I would argue it's ineffective and wasteful.

We can also effectively downsize by shortening the length of stay for those with longer sentences who have completed effective programming in prison. Reducing the number of prison admissions and shortening confinement periods for more inmates with longer sentences would generate decarceration savings or would reduce our costs.

Prison downsizing alone is not going to improve public safety unless it's accompanied by an increase in effective programming resources - not just for prisons but those in the community who are on probation and parole. And so my third recommendation would involve reallocation decarceration savings to provide more programming resources for those in prison and also for those lower risk probation and parole violators who would remain in the community.

In addition to these three strategies, I believe we also need to do a better job of leveraging technological advancements that may provide more cost-effective ways to ramp up the delivery of programming. That's my fourth recommendation. While some correctional systems have begun to offer video visitation or starting using tablets to provide programming, there's a lot more that I think we can and should do to harness this technology to improve the prison experience not only for inmates but also for staff too because they have to work in these environments.

And when people are engaged in programming, it makes prison a much safer environment. Implementing evidenced-based reforms such as these would require a shift from punishment to a rehabilitation in both our ideology and practice. One enduring school of thought has been if we make prison so horrible, it's going to motivate people to desist from crime.

But increasing the misery of the prison experience, it may satisfy the impulse for retribution but it doesn't lead to an effective use of taxpayer dollars. The evidence has long shown that punitive strategies alone are costly and ultimately ineffective in promoting desistance from crime

Instead, I would argue that we can achieve better re-entry outcomes by eliminating warehousing and transforming prisons into more program-rich environments. Thank you for the invitation to be here with you today.

Phil Keith: Thank you Dr. Duwe for most informed testimony and for providing this commission with your recommendations. Commissioners, we are now open for questions for the witnesses. For the commissioners with a question, please state your name with your question and direct your question to a specific panelist. Or, if you have a question for the entire panel, please state so.

Just as a reminder, commissioners, your mikes are on at all times. Thank you and now we entertain questions from commissioners.

Donald Washington: Hey, Phil, this is Don Washington. I have a question in general for the panel.

Phil Keith: Yes, Commissioner. You're recognized. Thank you.

Donald Washington: For the panel, this is sort of a broad, quick question. I recognize that. But do you have any specific thoughts on this whole concept of collateral consequences and as it impacts

recidivism? You know, I understand that collateral consequences comes with a whole bunch of stuff.

For example, one of the presenters talked about issuing particular identification cards and stuff like that to kind of help the path to re-entry. But there are some judges around the country who are particularly sensitive now to this whole idea of collateral consequences as being one of the big contributors to recidivism.

And my question is, is there anything for us as a commission to know about with respect to specific items that we could address to reduce this concept of collateral consequences as a contributor to recidivism?

John Koufos: This is John Koufos; If it's okay Commissioner, I'll start us off. Is that okay?

Phil Keith: Yes, you're recognized.

John Koufos: Thank you sir. So, collateral consequences as you point out, Commissioner, are a tremendous problem in the criminal justice system. The Council of State Governments' Justice Center released a report I think late last year where they talked about 40,000 of them. And these are things that range from ability to vote all the way up to occupational licensing.

And I think that's a great place especially for our Attorney's General who's serving as commissioners and in your extended networks. Many states, the licensing boards are under the Attorney General's office. And occupational licensing where they have restrictions on felonies often kills the ability of someone to get a job.

And what happens is, is that the state ends up wasting money when you do train somebody for a job that they ultimately can never get. And we've seen cases around the country, everybody from

barbers and hair-braiders to certain types of building trade folks, simply can't get occupational licensing. So I think from my opinion is that this Commission we're going to focus on something there's a lot of bipartisan support for and that just makes really smart economic sense and public safety sense.

Review of the occupational licensing structure in individual states would be the way to go.

Phil Keith: Thank you. Other panelists with responses to Commissioner Washington's question? Do either - do any of the other panelists have responses to Commissioner Washington's question?

Tony Lowden: Yes, this is Tony Lowden. I agree with John. One of the things we did in Georgia, we, first we banned the box so that when inmates, you know, get out of our prisons they can go and get a job. Too often we have in our rural communities where we have prisons and jails, they're cutting the grass. And they're helping cities balance their budgets.

They're doing all the labor in those areas and when they get out and they go back to those same areas because of the collateral consequences they can't even apply for a job there. So, we also took the next step and we banned the box on occupational licenses as well in the State of Georgia,

So, inmates when they get out, they learn trade on the inside, they can actually get an opportunity to be able to get their license and feed their families. And make it happen for them be a tax payer there into our society. I give you one that's been on my desk, I'm getting phone calls like crazy. . .

We have individuals who have been out of prison for a year right now. And they have a job. They're doing good. And the stimulus money that comes out, because they have not filed taxes in a year, they do not qualify. Some of those individuals needed that \$1200 just to keep their business running.

Some of them have started lawn services. Some of them have started other businesses in our communities as well as open up barbershops and salons. And so they don't qualify. And so we have an economy that's falling apart and these men cannot even qualify for a stimulus.

And we all know that crime and poverty become sisters when we have an opportunity to not help people get an opportunity to feed their families and take care of themselves. I strongly believe that when we talk about occupational licensing, that's a great place for this commission to start to be able to come up with some recommendations that could be a model for our country.

Thank you.

Phil Keith: Thank you. Other panelists with responses to Commissioner Washington's question?

Grant Duwe: This is Grant. I really don't have anything to add to what the two panelists have already mentioned. I think they covered the response pretty well.

Phil Keith: Thank you. Commissioners with other questions?

Katharine Sullivan: Hi, this is Katie.

Phil Keith: Recognized. Vice-Chair?

Katharine Sullivan: Thank you. Hi everyone. And I guess anyone could answer this. I was a judge like two other members on the commission, Erika MacDonald and Ashley Moody. And one of the things that has struck me with some of the criminal justice reform and re-entry programming is, is a disconnect between the programming and the jail and what might be available through judicially led re-entry type of programs.

So, for instance, as a judge you would think about making a sentence for someone, perhaps a shorter jail sentence with the idea that they go into drug court after. How, if you guys can think of if there is a recommendation, so how do we bridge that gap? Or, have you seen good examples of places that have bridged the gap.

In my tiny, you know, rural community, I talk to the captain in my jail all the time and so we were able to create that relationship but in more urban communities that is not the case. So I was just going to say this last thing. Criminal justice reform sometimes feels like it's all or nothing. Like we're going to let everyone out of jail.

I always thought there's a pretty good mid-line which is case management, you know, programmings in jail. Case management for when people get out. And then continued support through the criminal justice system to ensure public safety and continued rehabilitation.

So, I'm just wondering if you guys have seen successful models of that or if you have any thoughts.

Tony Lowden: Katie, I think - this is Tony Lowden. I think you hit the nail right on the head. When we talk about being able to predict or to look at ways of how do we offer programs I strongly believe that we can't be afraid of the assessment tools that we use.

A lot of people believe there's a lot of trouble with cons and assessment tools and some assessment tools they talk about - there's disparity in certain tools. But when we find assessment tools that work, I think we should allow those assessment tools to be used with the judge when they're sentencing so we can look at programs and recommendations from those assessment tools. Because now we have this opportunity where we're filling up our prisons and our jails with those who are mentally ill when actually they need to go to a mental health court. Or, those who

are - if they're on drug addiction, they should be going to some type of drug program, whether it's a jail or a prison or some type of aftercare.

I think we have to get to that point of using the tools that we have, working out the kinks that we have and then use those tools not just only inside but on the outside as well, at sentencing as well so that we can look at ways of being able to say, you know what, here's some programs that can work and we have some evidence that's working.

We want to put this as a part of a sentencing package. That's one. I also believe that those same assessment tools can help with probation and parole as well. Thank you.

John Koufos: And this is John Koufos. I agree with Tony Lowden. Two other things I'd mention. For a broad-based model some states including New Jersey have passed mandatory drug court laws for certain offenses. That means if you present with an addiction and if you have certain background and you're offense isn't a disqualifying offense, it's required that you go to drug court or go to prison.

So, that's one thing. I can tell you, you know, when I was in prison and I have, you know, obviously I went to law school and college. I took electrical trades when I was in prison. I was there for 17 months before I was paroled. And I have many electrical trade certificates but I never touched a wire in all that time.

So, the quality of training, if I were to become a person working in the electrical trade getting that in New Jersey Department of Corrections would not have benefited anyone. One of the things that I think although it's a post-sentencing model, are those post re-entry courts I mentioned earlier.

The judges there do a really good job of connecting community service providers to the population. And I think the other place that you're seeing it - and I'm glad that this commission has addressed mental health issues and CI, crisis intervention teams. Those have spawned really innovative diversion programs.

So in some places - I think it's called the Blue Heart Program in New Jersey and they have them in other states as well where officers can bring someone to rehab instead of jail depending on the offense and the offender's history. And then from there the judge has the opportunity to make a decision because, as you know, Judge or Commissioner, the person who presents in sobriety or in recovery at sentencing looks a lot different than the person who presents still in their active addiction.

Jason Hardy: This is Jason Hardy. If I can weigh in as well. One of the things I wanted to speak about today and I just didn't have the time - I'm a huge believer in this drug court model. And I can tell you that for probation and parole officers, this is where we see the biggest success stories.

And I think part of the reason that this model works so well is that there's a really clearly defined division of labor where I as the PO, you know, try to be the counselor and the personal police officer and the job finder and the social worker. I mean those are all jobs that are complicated and require a lot of training and long apprenticeship periods to do well.

And so jurisdictions where POs are trying to do all this by themselves are just not going to get great results, but in a drug court environment or some also had mental health facilities, we had veteran's courts. Basically a team of people assigned to each individual. So, you know, a person can present whatever the issue was, whether it was mental health or substance abuse disorders.

And, you know, the appeals job is to out in the field seeing the person in their environment. And then he would report what he saw to the judge. And the judge can determine if some kind of

enforcement action was needed. And if it wasn't, then it was a team of social workers that are there to connect that person to services. Then there's a counselor on staff if the person needed some kind of counseling, we even had access to a psychiatrist.

So, even in poorer jurisdictions, we were seeing a will to do this kind of treatment and really, the results that we saw were just astounding. We saw people who had been on probation three or four times before and, you know, were locked back up in just a couple months.

When they are in this system where they're really being treated kind of as a valued commodity and they see six or seven professionals who are assigned to their care, invest in things and succeed, it's just a whole different role.

Tony Lowden: Let me just add briefly. I think all of the comments are right on when we talk about this.

But if we had courts, hypothetically if we had courts who all had what I call court specialists or chief community advising officers and some do around the country.

But if we offered incentives to them to help judges make decisions around resources and programs and new initiatives, I believe that can lower our incarceration rate around the country tremendously because now the judges know we're trying to give more discretion.

We have discretion to take a person who is, you know, on drugs or a veteran who just came home and found himself homeless and now before a judge. Or a person who is mentally ill and finds themselves before the judge. That community supervision specialist who has ascended from the very top of our law enforcement agency can recommend programs for these individuals and we will not have all of them coming into our prisons as well.

Phil Keith: Thank you. Vice Chair Sullivan, does that answer your questions?

Katharine Sullivan: It certainly did. Thank you.

Phil Keith: Thank you. Other commissioners with questions. Other commissions with questions for our panelists. Hearing are no further questions let me close by thanking our panelists once again for your time and your most valuable testimony. And your responses to the questions from commissioners.

On behalf of the Attorney General and his leadership team of Rachel Bissex and Jeff Favitta, and all the commissioners, your contributions provided today are most sincerely appreciated and will assist the commission in their deliberations and work. Before we close, please note that tomorrow we'll be sending out the full schedule for next week as we wrap up a summary email for this week's activities.

We'll also have two more re-entry panels next week. Tuesday and Wednesday. And on Thursday we'll have a panel to discuss grants supporting law enforcement justice initiatives. We will continue this cadence for the next several weeks and we will also be exploring having an in-person meeting in June with the operating environment changes around the COVID-19 virus.

As always, please check the President's Commission page for additional updates or documents or information on the main justice website. And we will update it regularly when we receive information. Any questions or comments from commissioners?

If there's no further business for us, the President's Commission is adjourned. Thank you again, commissioners, for your dedication and commitment. I hope everyone has a great weekend.

Katharine Sullivan: Thank you.

Tony Lowden: Thank you all.

Male: Thanks Phil. Have a great day

Male: Thank you.

Katharine Sullivan: All right. Bye.

Operator: Ladies and gentlemen, that concludes today's teleconference.