

Coordination to Reduce Barriers to Reentry:
lessons learned from COVID-19 and beyond

**REPORT TO CONGRESS FROM THE REENTRY
COORDINATION COUNCIL**

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Introduction

Each year, about 600,000 people in the United States enter prisons; and at the same time, people are sent to jails across our country over 10 million times per year.¹ Individuals returning to their communities after a term of imprisonment face a number of barriers to success, including housing insecurity, inability to access health care, food insecurity, and barriers to education and employment. These longstanding barriers were exacerbated during the COVID-19 pandemic and compounded by additional hurdles, including limited access to government and community-based services and support.

Yet, despite the pandemic's tragic toll, new resources and creative solutions emerged, providing innovative approaches to combating barriers to reentry and to assisting justice system-impacted individuals. This report represents the efforts of six federal agencies, joined in collaboration with the Department of Justice, to study the impact of COVID-19 on longstanding barriers to reentry, to review efforts taken to ease those barriers, and to collaborate on efforts to improve successful outcomes for those returning home after contact with the criminal legal system. This reentry collaboration effort stems from Section 505 of Pub. L. No. 115-391, the First Step Act of 2018 (FSA), which reauthorized the Second Chance Act, and requires the Attorney General to “coordinate on Federal programs, policies, and activities relating to the reentry of individuals returning from incarceration to the community, with an emphasis on evidence-based practices and protection against duplication of services” and to “submit to Congress a report summarizing the achievements” of the agency collaboration, including “recommendations for Congress that would further reduce barriers to successful reentry.”²

“Removing barriers to successful reentry for previously incarcerated individuals is an important part of the Justice Department’s mission to keep our country safe, uphold the rule of law, and pursue equal justice under law. We will continue our work with our partners across all levels of government and beyond to develop collaborative approaches that advance our shared goals of ensuring equal access to justice and economic opportunity for all, including individuals returning from incarceration to our communities.”

ATTORNEY GENERAL MERRICK B. GARLAND

In compliance with the FSA’s mandates, in October 2021, the Attorney General convened the Reentry Coordination Council (RCC), inviting representatives from the Department of Housing and Urban Development (HUD), the Department of Labor (DOL), the Department of Education (ED), the Department of Health and Human Services (HHS), the Department of Veterans Affairs (VA), and the Department of Agriculture (USDA). These federal agency partners engaged in preliminary steps to launch this effort to collaboratively address current barriers to reentry and provide recommendations to reduce those barriers, with the hope and expectation of expanding agency partnerships and solidifying this interagency collaboration going forward.

This report summarizes the RCC’s collaboration thus far and provides recommendations to further reduce barriers to successful reentry based on RCC member agencies’ collective efforts as well as stakeholder feedback. The first section of the report describes the RCC’s stakeholder engagement efforts, including hosting listening sessions with experts in various reentry-related fields and soliciting feedback from organizations that work extensively in areas of reentry. The report then discusses various barriers to reentry, with a special emphasis on barriers that were exacerbated by the COVID-19 pandemic. The third section of the report provides examples of effective agency programming and funding efforts, including innovations that resulted from the COVID-19 pandemic. Finally, in the fourth section, the RCC suggests additional actions that could further reduce barriers to reentry, and signals that it will continue and expand this partnership and work.

I. Stakeholder Engagement

The RCC prioritized stakeholder engagement as a critical component of this collaborative effort. The RCC “collaborat[ed] with interested persons, service providers, nonprofit organizations, and State, tribal, and local governments” in compliance with Section 505 of the FSA,³ and went beyond these mandates to learn from the expertise and experience of a variety of people and organizations, soliciting broad perspectives from individuals and organizations involved in several aspects of reentry. Especially important were opportunities to hear from individuals who have experienced reentering the community from carceral settings, in an attempt to learn from their experience and to incorporate their policy recommendations in our analysis and recommendations. The RCC also sought information on reentry efforts and programs that have proven effective and in areas where the federal government should focus additional attention.

Listening Sessions

The RCC hosted a series of listening sessions with community advocates and partners, including a listening session attended by Associate Attorney General Vanita Gupta. Each session highlighted a different theme: (1) collateral consequences and loss of rights associated with convictions; (2) employment and education; (3) housing and food security; and (4) health care and Veterans. Each session included a range of reentry experts, including academics, policy analysts, correctional practitioners, jurists, and justice-impacted individuals who had personally experienced barriers to reentry.

Each listening session is described in more detail below; however, common themes emerged across the sessions. Presenters emphasized that substantive reentry should begin at the outset of incarceration and stressed the importance of ongoing long-term supports targeted to help individuals returning from incarceration reach economic stability and independence. Stakeholders stressed the importance of including those who have received, and are receiving, reentry services in tailoring solutions. They also emphasized the critical need for data collection and performance metrics to measure the success of federal programs and grantees.

Collateral consequences and loss of rights associated with convictions: Invited guests in this session included representatives from national nonprofit, nonpartisan organizations that span the criminal-justice continuum. Their presentations emphasized the broad and deep impacts criminal convictions, including on economic stability, and stressed the need for creating real second chances and eliminating

collateral consequences. They discussed the impact of incarceration on the family and the need for reentry reunification and child custody supports. Stakeholders also underscored the importance of partnerships and specifically highlighted Reentry 2030, a new national campaign to build a stronger, more equitable future of reentry. Reentry 2030 is led by nonprofit organizations partnering with corrections administrators, state agencies, and people who have been directly impacted by the criminal justice system, with support from DOJ and philanthropy. Presenters stressed that approaches to reentry, like Reentry 2030, should be human centered, coordinated, transparent, and equitable.

Employment and education: Experts, including criminal justice policymakers and a state correctional administrator, presented quantitative research on the impact of incarceration on employment and earnings, and emphasized the importance of creating real, useful educational and employment opportunities and getting buy-in from the intended participants of those opportunities so they are invested in and enthusiastic about the outcomes. The panelists cautioned that some fields of employment, including fields promoted through work programs in custody, contain state licensure requirements that present bureaucratic employment barriers, often unknown to incarcerated individuals and carceral facilities. They identified the need to evaluate state licensure requirements to ensure that they are not creating unnecessary barriers for justice-impacted individuals. The experts also highlighted the importance of financial assistance, mentoring, and digital literacy as key supports for educational and employment success. In addition, the experts identified as focus areas the need to expand criminal record-clearing and expungement opportunities, connect occupational training and jobs during incarceration with post-release employment, and ensure that credits earned in carceral settings are transferrable to educational degrees and credentials.

Housing and food security: Experts in this session emphasized that housing and food security are basic needs. Meeting those basic needs is not only essential for survival, but also critical in creating a sense of independence for formerly incarcerated individuals. Speakers encouraged funding for reentry services that use a holistic framework. For example, the founder of a Los Angeles, California-based transitional housing facility for women leaving carceral settings presented a case study of her organization, a “healing space” that serves as a model of a welcoming environment for women to rejoin their community after incarceration while simultaneously addressing the physical, mental, and social contexts that shape experiences before, during, and after prison. Stakeholders further emphasized the importance of federal food benefits to reentry and noted that justice-impacted individuals living in transitional housing should have the option of receiving direct food benefits. They explained that although most transitional housing facilities provide three meals per day, the reality was that, residents engaged in daily work and training away from these facilities may miss some, or all, of those daily meals. If the reentry center does not provide a meal supplement, clients must use their daily wages to pay for food, making food benefits particularly helpful.

Health Care and Veterans: A recurring theme from the various stakeholders during this session was the limited capacity in most communities to provide continuity of care across correctional and community health systems. Practitioners identified gaps in health insurance coverage as a barrier to reentry. Presenters also addressed the specific needs of Veterans, who often face significant mental health and substance use disorder challenges. The panelists again recognized the interconnectedness of reentry support, noting that the impact of unmet health care needs is far-reaching and can lead to unemployment, homelessness, and continued involvement in the criminal legal system.

“The missions of the agencies represented here bring collective strength, visibility, and power. Together, we can assess the best resources and services to meet the needs of individuals and communities before interaction with the justice system, and we can improve public safety by pursuing successful outcomes after individuals return from incarceration.”

**ASSOCIATE ATTORNEY GENERAL VANITA GUPTA
REENTRY COORDINATION COUNCIL JANUARY 2022 LISTENING SESSION**

Stakeholder Feedback

In addition to listening sessions, the RCC received feedback from a wide range of reentry-related organizations. The RCC received input from twenty stakeholder organizations, including justice-impacted individuals, policy and research organizations, prosecutors’ networks, criminal justice-reform coalitions, correctional leaders, and organizations that provide direct services, including workforce development and housing, to justice-impacted individuals. Stakeholders provided perspectives on the largest barriers faced by individuals who are returning to the community after incarceration in the areas covered by each of the member agencies. They also identified the programs, policies, or activities of government agencies that are most effective at reducing barriers to reentry and addressed federal funding or legislative reforms to reduce barriers to reentry. Stakeholders also addressed the impact of the COVID-19 pandemic on reentry efforts and how the pandemic has affected stakeholder organizations’ reentry work, and any adaptations and innovations made as a result of the pandemic.

II. Barriers to Reentry

The criminal legal system impacts a large segment of the U.S. population. Over five million people in the United States were under the supervision of adult correctional systems at the end of 2020, and as many as one in three adult Americans have been arrested at least once.⁴ In 2020, nearly 550,000 people were released from prison.⁵ Individuals in prison and jail are disproportionately poor compared to the overall U.S. population.⁶ Moreover, people of color are overrepresented in the nation’s prison and jails: Black Americans make up thirty-eight percent of the incarcerated population despite representing twelve percent of the U.S. population.⁷

It is no secret that formerly incarcerated people and individuals under supervision face many barriers, including in employment and economic mobility, housing, public benefits, access to education, civic participation, and access to treatment and health care. The COVID-19 pandemic exacerbated the collateral consequences of a criminal conviction and created additional barriers to reentry. Specifically, the pandemic resulted in the termination or curtailment of most reentry-related training and services in carceral facilities. The lack of access to technology and internet security in those facilities significantly hindered the ability of reentry service providers to make virtual training adaptations. In addition, the availability of safe, affordable housing remains limited, and the pandemic brought new health challenges, including through the devastation of the COVID-19 virus, and additionally related to the

expanded need for, and inability to access mental health and substance use disorder treatment. Further, the economic downturn caused by the pandemic impacted jobs, particularly in low-wage industries that have been traditionally more likely to employ formerly incarcerated individuals.

Although by no means an exhaustive compilation, the RCC agencies and community stakeholders identified the following barriers as significant obstacles to successful reentry.

Housing Insecurity and Homelessness

The nation as a whole faces a severe shortage of affordable housing and rental assistance relative to need; federal housing assistance is not an entitlement and only serves one in five eligible renter households.⁸ However, certain populations, including those with criminal justice system involvement, face even greater challenges with obtaining and maintaining housing and housing assistance. The shortage of affordable housing during the COVID-19 pandemic placed persons with criminal histories and with limited or no credit histories (which is often a byproduct of incarceration) at a particular disadvantage. In some jurisdictions, the lack of safe, stable housing also delayed approval for discretionary release from prison, leading those without housing to serve more time behind bars than those with stable housing available to them.⁹ Even fewer housing options are affordable and accessible, making it more difficult for individuals with disabilities to successfully transition from carceral or other institutional settings.

Even prior to the pandemic, formerly incarcerated people were almost ten times more likely to experience homelessness than the general public.¹⁰ Those who have been incarcerated more than once are thirteen times more likely to experience homelessness.¹¹ Moreover, research shows that the lack of stable housing following incarceration leads to a higher likelihood of rearrest and reincarceration.¹² On the other hand, there is a growing body of evidence that shows that the provision of housing assistance, particularly when accompanied with supportive services, can help reduce recidivism and decrease involvement in the criminal justice system.¹³ Despite this evidence, there is no federal program that provides housing assistance specifically for people with criminal justice involvement and, in fact, most federal housing programs are difficult to access for people with criminal records. Certain federal statutes and regulations prohibit access for people with certain criminal convictions.¹⁴

Moreover, some federal statutes also authorize, and in some cases require, federally assisted housing providers and public housing agencies (PHAs) to screen for, and deny admission on the basis of, a prospective tenant's criminal record¹⁵ and to terminate tenancy based on criminal activity. Advocates have advised HUD that the scarcity of affordable housing has been used to justify overly restrictive screening policies. Some HUD-assisted housing providers have also implemented policies that prohibit tenants from allowing visits by family members with criminal records,¹⁶ even though there is no federal law, regulation, or HUD policy that requires or encourages placing such restrictions on visitors.

Food Insecurity

USDA defines very low food security as “multiple indications of disrupted eating patterns and reduced food intake.”¹⁷ According to one study, 91% of people released from prison reported experiencing food insecurity.¹⁸ Certain established regulations and policy to address food insecurity, including the Supplemental Nutrition Assistance Program (SNAP) (7 U.S.C. § 2011 *et seq.*) and state Temporary

Assistance for Needy Families (TANF) (42 U.S.C. § 601 *et seq.*) programs may restrict benefits based on criminal history. Individuals who have been deemed ineligible for food benefits must rely on community-based supports that have been made scarcer by the tremendous demand and economic downturn caused by the pandemic.

Section 11 of the Food and Nutrition Act deems individuals who are incarcerated for more than 30 days ineligible for SNAP benefits during their incarceration.¹⁹ However, states may request waivers to begin processing SNAP applications from incarcerated individuals prior to their release, allowing individuals who are eligible to receive benefits sooner upon release. To date, less than fourteen states use a pre-release waiver to assist formerly incarcerated people with reentry.²⁰ Additionally, a strong working relationship between state human services agencies, who administer SNAP, and state departments of corrections is important to ensure that those leaving incarceration are connected to core supports and services upon release. In many cases, making these connections prior to release can lead to more successful engagement and enrollment.

Section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 prohibits states from providing SNAP benefits to individuals convicted of drug felonies unless the state passes legislation to extend benefits to these individuals.²¹ While South Carolina is the only state to have kept a full ban in place, a number of other states continue to have modified versions of the ban.²² Some states make successfully passing a drug test an additional condition for receiving SNAP and TANF benefits.²³ Women, who comprise the majority of recipients for SNAP and TANF, are more likely to be incarcerated for drug crimes in state prisons.²⁴ Because women are more likely to have children, these restrictions have a significant impact on families, as families receive a much lower overall benefit when a parent is ineligible for food benefits because of a felony drug conviction

Section 6(o) of the Food and Nutrition Act of 2008 also includes a requirement that most adults aged 18 to 49 not raising minor children must work or participate in an employment and training program at least twenty hours per week in order to maintain eligibility for SNAP; if they are not participating in work-related activities, these individuals may only receive SNAP benefits for three months within a three-year period.²⁵ While there are some exceptions, including an option for States to request waivers for areas with high unemployment, this eligibility rule is a serious restriction. It can have a disproportionate impact on those individuals who may face more serious barriers to employment, including formerly incarcerated individuals.

Health Care Needs

Coverage, access, and continuity of health care are particularly important for returning community members. Formerly incarcerated individuals face higher mortality rates than other individuals.²⁶ Poor access to health care after release is also associated with increased recidivism.²⁷ Medicaid coverage can be crucial to ensuring a successful transition following incarceration: a recent study found that expanded access to Medicaid can reduce recidivism within the first year of release by 11.5%.²⁸ Moreover, better health and access to health care during reentry can improve employment, housing, and family support outcomes.²⁹

Pursuant to section 1905(a) of the Social Security Act, individuals in carceral settings may be enrolled in Medicaid, but reimbursement of covered Medicaid services is prohibited for incarcerated individuals,

except as inpatients in a medical institution.³⁰ This is otherwise known as the “Medicaid inmate exclusion.” Although there appears to be interest amongst prisons, jails, and their partner agencies to identify and enroll eligible people in public health care benefits prior to release, many facilities do not have processes or staffing in place to do so. One study found that only 28% of jails screen for Medicaid eligibility at release.³¹ As a result, those returning from incarceration may face obstacles when seeking to find, understand, and use information to inform their health-related decisions and take appropriate health-related actions for themselves.

Efforts to provide health care for individuals while incarcerated, including mental health and substance use disorder treatment, have a high risk of failure without continuity of care upon release. Access to Medicaid coverage for returning community members can provide continuity of care that may improve health outcomes, reduce recidivism, and improve public safety.³² However, depending on a person’s state of residence, Medicaid benefits may not be easily accessible, or may not be available at all to adults released from a correctional facility. Some states have opted to implement policies and procedures to facilitate the eligibility process, to ensure services are available as promptly as possible upon reentry into the community.³³ However, that eligibility is only valid in the state of residence, typically the state in which the correctional facility is located, with few exceptions. Often, when individuals reenter the community, their families, social supports, housing, and employment opportunities may not be in the same state. In the event the individual moves to another state to resume community life, the Medicaid benefits established in the state where the individual was formerly incarcerated do not transfer to the new state. Medicaid eligibility must then be re-established, again resulting in delay or denial of services.

Beyond access to basic health care needs, criminal justice-involved individuals are more likely to experience substance use disorders and mental health conditions.³⁴ Substance abuse and demand for health-related services increased during the COVID-19 pandemic.³⁵

Approximately sixty-five percent of the U.S. prison population has an active substance use disorder.³⁶ However, only a small portion of individuals with a substance use disorder receive treatment while incarcerated.³⁷ According to one study, individuals recently released from incarceration are over forty times more likely to die from an opioid overdose than the general population.³⁸ The weeks immediately following reentry are when individuals are most vulnerable to relapse and recidivism.³⁹ However, people who are enrolled in health care coverage when released are more likely to use community-based services that could help reduce their chances of recidivating.⁴⁰

Further, many reentry providers, including some HHS grantees, particularly those who engage with clients for mental health and substance use disorders, report that obtaining clients and referrals during the pandemic has been difficult for their reentry programs. Prior to the pandemic, reentry programs were required to begin assessment and pre-release services for incarcerated individuals while they were still incarcerated, a certain number of months prior to release. However, due to the public health emergency and following guidance from the Centers for Disease Control and Prevention (CDC), most jails and prisons closed to outside visitors, including service providers, during the pandemic, and grantees were therefore not allowed to provide in-person services pre-release. The pandemic also changed the way assessments and pre-release services were handled. Grantees had to transition to jail and prison staff referring potential client’s names to grantees so they could reach out by phone, or by other methods or platforms, such as letters, email, or virtual videoconference, to encourage participation

in their programs, and conduct pre-release services. Moreover, not being able to meet in person and the lack of viable virtual alternatives due to the pandemic has hindered maintaining and establishing relationships with family and communities, which is important for successful reentry into these programs and ultimately a successful transition to the community.

Barriers to Education

Formerly incarcerated people are almost twice as likely to lack a high school diploma and are eight times less likely to complete college than the general public.⁴¹ Yet, most educational programs and online courses available outside of incarceration are inaccessible to the incarcerated population.

In carceral settings, access to specialized courses and waiting lists for educational programming were already significant issues prior to the pandemic.⁴² COVID-19 has exacerbated these issues, because, as noted above, correctional facilities generally did not allow outside visitors (who in some cases served as teaching staff for programming) and therefore curtailed many educational programs that were being offered. While technology-based learning can effectively enhance learning opportunities in carceral settings if appropriately implemented, virtual learning platforms are not a substitute for in-person learning with educational professionals and peer mentors to aid the learning process.

Moreover, technology inside correctional facilities is often limited, so a switch to virtual learning was not always feasible or easily implemented. Many correctional systems do not have wired or wireless internet or adequate internet security to allow for successful distance learning, resulting in classes and programs being completely curtailed throughout the pandemic.

Remote or virtual learning can also be a challenge for formerly incarcerated individuals after release. Many do not have stable access to technology, including the internet, upon release. Moreover, without digital literacy training during incarceration, formerly incarcerated individuals—especially those who served long sentences—may lack sufficient proficiency in computer technology to use virtual platforms and successfully take advantage of virtual learning opportunities.

Barriers to Employment

The public workforce system has experience serving individuals with justice system involvement. For example, DOL issues grant programs that directly serve people released from prison.⁴³ However, COVID-19 ended a significant amount of this programming. In addition, adult reentry grants awarded in 2020 and 2021 required case managers to begin providing services to individuals while they were still in confinement, but some individuals' release dates changed during the beginning of the pandemic—often on short notice—making it difficult for some grantees to begin service pre-release. Prisons and jails were also closed to grantee case managers because of COVID-19 and staffing shortages. In a few cases, grantees could deliver services remotely through technology. However, as noted above, most institutions were not equipped with the needed technology. Similarly, closures of county records departments and state motor vehicle offices delayed obtaining copies of birth certificates and driver's licenses—necessary documentation to establish identity for employment.

Even in non-pandemic times, widespread use of criminal background checks has resulted in people with past convictions being effectively removed from the employment process.⁴⁴ More than 19 million

Americans, or approximately eight percent of the working-age population, have a felony conviction.⁴⁵ These individuals may struggle to find employment post-release and, when employed, often face low earnings, which correlates with an increased likelihood of reincarceration. These employment-related outcomes also demonstrate racial disparities in impact: the effect of a criminal record is forty percent larger for Black applicants than White applicants.⁴⁶ Moreover, although millions of individuals with felony convictions are likely eligible to have their criminal records expunged, many are unable to do so because the process is complicated and often costly, and low-cost or free access to counsel or legal assistance is rarely provided in postconviction proceedings.

Although federal law limits the consideration of criminal history in hiring,⁴⁷ noncompliance or lack of knowledge about this guidance creates a barrier for justice-impacted individuals. Some occupations and industries explicitly bar the hiring of people with criminal records. There are 27,000 state occupational licensing restrictions based on criminal records.⁴⁸ These restrictions result in those reentering being barred, often for life, from participating in twenty-five percent of the economy, even if they have or have gained relevant training and experience in a particular occupation while incarcerated.⁴⁹ Under federal law, some individuals convicted of certain crimes are barred from working in the banking and transportation sectors, as well as from various state-licensed jobs in health care and education which further compounds these inequities.⁵⁰

Lengthy community supervision sentences, including those with sometimes onerous restrictions, may also hinder successful reentry. Standard supervision conditions can restrict justice-impacted individuals from earning additional income or traveling to access better employment opportunities, thereby limiting their ability to pay court-related debt and to support their families, including through child support payments. This further pressures people to find any available job after incarceration, rather than focusing on finding employment with opportunities for long-term stability and advancement.

Veteran-Specific Reentry Barriers

Veterans represent approximately eight percent of jail and prison populations.⁵¹ This population often has extensive medical, mental health, and substance use disorder treatment needs—needs which have been linked to traumatic experiences that can result from military service.⁵² Incarcerated Veterans also face numerous psychosocial issues and thirty percent have a history of homelessness.⁵³ Upon release, Veterans can experience significant challenges finding available treatment and resources. In addition, ten percent of incarcerated Veterans are not eligible for VA services due to dishonorable or bad conduct discharge statuses, and an additional thirteen percent may not be eligible for services due to other than honorable discharge statuses.⁵⁴

III. What Works: Examples of Effective Policies and Programs

The many hurdles to stability after justice system involvement negatively impact individuals, families and communities, and exacerbate social and economic disadvantages more broadly, particularly for low-income communities and communities of color. Eliminating barriers to successful reentry improves outcomes and reduces recidivism, thereby promoting public safety. Federal agencies and grantees are working hard and pursuing innovative strategies to improve the ability of their programs

and services to assist justice-impacted individuals. Many of these strategies were creative solutions developed as a direct response to increased barriers experienced due to the COVID-19 pandemic.

Programs, Policy, and Guidance

Housing

HUD has long been focused on access to housing for justice-impacted individuals, issuing guidance in 2016 clarifying that the overbroad use of criminal records as the basis for denying admission to housing by landlords and HUD-assisted housing providers may place them at risk of violating the Fair Housing Act, given the over-representation of people of color in the criminal justice system.⁵⁵

The guidance emphasized that while landlords and housing providers may conduct criminal history screening among applicants, such screening must be supported by reliable evidence that the landlord or housing provider's policy or practice of making housing decisions based on criminal history actually assists in protecting resident safety and/or property. While the guidance focused on race and national origin, the same principles apply to discrimination because of disability, since various studies have shown that the criminal justice system also disproportionately impacts people with disabilities.⁵⁶

Stakeholder feedback revealed that many HUD-assisted housing providers had not modified their policies and practices to adhere to the 2016 guidance and continued to make overly broad use of criminal records as the basis for denying access to HUD programs. As a result, on April 12, 2022, HUD issued an internal directive to principal staff to conduct an agency-wide review of all existing regulations, guidance, and sub-regulatory policy documents and to propose amendments that will reduce barriers to housing for persons with criminal histories or their families and make HUD programs as inclusive as possible. This review is intended to reinforce the 2016 guidance that criminal records should not be taken at face value, or used in an over-broad manner to deny access to HUD-assisted housing, and is grounded in growing evidence that stable housing reduces recidivism and increases public safety and overly broad exclusions of people with criminal records does not increase public safety.⁵⁷

HUD also made policy changes that impact the formerly incarcerated as a result of the COVID-19 pandemic. Under general HUD policy, individuals who were deemed unhoused upon entry to a correctional facility are no longer deemed unhoused if detained or incarcerated longer than 90 days.⁵⁸ However, waiver authority obtained through the CARES Act enabled HUD to expand access for formerly incarcerated people to HUD's unhoused programs and extended this timeframe to 120 days during the COVID-19 pandemic. In addition, the American Rescue Plan provided HUD with 70,000 Emergency Housing Vouchers, which were used to secure housing through partnerships with over 600 public housing authorities across the country. HUD used its statutory authority through the American Rescue Plan to establish alternative requirements with respect to mandatory and permissive prohibitions of admission for Emergency Housing Voucher applicants. Specifically, HUD eliminated the public housing authority's ability to deny admission for an Emergency Housing Voucher based on drug-related activity to ensure that the vouchers could be used to serve populations of homeless and at-risk of homeless individuals, including formerly incarcerated people, and to serve individuals struggling with drug addiction, as that addiction may be one of the root causes of the lack of housing. Prohibitions based on criminal activity regarding drug possession were considered separately from

criminal activity against persons (i.e., violent criminal activity) in a manner similar to the HUD-VA Supportive Housing (HUD-VASH) Program, discussed in more detail below.

In June 2021, HUD sent a letter clarifying that justice-impacted individuals were among the eligible populations for Emergency Housing Vouchers and encouraged public housing providers and their Continuum of Care partners to ensure that individuals released from incarceration were given consideration for the vouchers.⁵⁹ HUD also emphasized its commitment to taking a comprehensive approach to addressing reentry housing needs, including developing tools and guidance to ensure that applicant screening and tenant selection practices avoid unnecessarily overbroad denial of housing to applicants on the basis of criminal records; reviewing existing HUD policies and regulations that limit access to housing and HUD assistance among those with criminal conviction histories; and publishing findings regarding the best practices on reentry housing programs.⁶⁰

Health Care

Given the prevalence of substance use disorders among those leaving incarceration, the easing of restrictions to access substance use disorder treatments due to the COVID-19 pandemic was particularly important for this population. In March 2020, in an attempt to reduce the risk of COVID-19 infection among patients and health care providers, HHS, through the Substance Abuse and Mental Health Services Administration (SAMHSA), issued an exemption to opioid treatment programs whereby a state could request an exception for all “stable” patients in a treatment program to receive 28 days of take-home doses of methadone, medication used to treat opioid use disorder.⁶¹ States could also request up to 14 days of take-home doses of methadone for those patients who were “less stable” but who the treatment provider believed could safely handle the medication at home.⁶² Similarly, in consultation with HHS, the Drug Enforcement Administration also issued guidance allowing authorized providers to prescribe controlled substances such as buprenorphine to new and existing patients with opioid use disorder via telehealth, without the need for an in-person medical evaluation.⁶³

State authorities, patients, and treatment providers reported that these exemptions enhanced and encouraged the use of opioid treatment program services, and specifically resulted in increased treatment engagement, improved patient satisfaction, and few incidents of misuse or medication diversion. As a result of this positive feedback, in November 2021, SAMHSA extended the methadone take-home flexibilities for one year, effective upon the eventual expiration of the COVID-19 public health emergency and noted that the agency is considering mechanisms to make the flexibilities permanent HHS policy.⁶⁴ In addition, HHS and DOJ intend to pursue rulemaking to allow continued flexibility for prescribing buprenorphine to patients via telehealth.

First Step Act Implementation

DOJ’s Bureau of Prisons (BOP), in implementing the First Step Act, has put in place a new system of risk assessments and needs assessments for every incarcerated person, as well as dozens of evidence-based recidivism reduction programs and productive activities that correlate to areas of need. Over 82,000 people in BOP custody are currently participating in curriculum-based recidivism reducing activities, and thousands more are participating in work assignments, all aimed at preparing these individuals for their reentry to the community once their sentences are complete. The time credits system, created by the First Step Act, is helping incentivize individuals to participate in these education

programs, vocational trainings, and work assignments, as recommended based on their needs assessments. Because there are many disqualifying offenses and prior convictions in the First Step Act, not every person serving a term of incarceration in BOP custody is eligible to receive Time Credits towards pre-release custody or supervised release, but there are privileges associated with participation in recidivism reduction programs and productive activities for all in BOP custody. Cognizant of the effect that rehabilitation and reentry programs have on individual recidivism outcomes—and their concomitant effect on community and national public safety—and the complementary need to ensure that the implementation of the First Step Act does not exacerbate harmful disparities in the criminal justice system, DOJ will publish data that annually reflect how the First Step Act’s disqualifying offenses and prior convictions result in those in federal custody being ineligible to earn time credits towards pre-release custody and supervised release, including by racial and ethnic groups, as slated in the Department’s final Earned Time Credits rule published in January 2022. BOP’s activities in this space are documented in the Department of Justice’s annual First Step Act Report, published in April 2022.⁶⁵

Virtual Services

When the pandemic began, most drug courts and reentry programs closed their in-person operations and either moved to virtual or remote services or halted proceedings altogether. As previously discussed, these changes created a barrier to accessing a number of reentry services, as providers were unable to begin in-person assessments and pre-release services in the carceral setting, and some clients lacked access to technology for services upon release. However, for some federal grantees, the use of virtual platforms has made it easier to provide services to justice-impacted populations, including greater access to court, behavioral treatment services, and recovery support services. Specifically, the use of remote services has reduced common barriers to access, such as transportation and associated costs, child care, and the need to take time off work.

Moreover, virtual adjustments allowed grantees, in many cases, to further tailor their services to the specific needs of their populations. Adjustments included lighter touch supervision for low-risk probation and parole populations, the adoption of new types of programs and services for high risk/high need groups, and greater flexibility in how and when program participants were able to access services.⁶⁶

During the beginning of the pandemic, two of HHS’s reentry-related grantees, Time for a Change/Sweet Dreams in San Bernardino, California, and Serving Children and Adults in Need in Laredo, Texas, consistently have been able to serve more clients than their monthly client targets and had follow-up services rates near one hundred percent. Despite being restricted from in-person consultations with clients in carceral settings, these organizations have been able to build relationships with their clients during the intake process and maintain those relationships throughout participation in the program. The grantees utilized innovative strategies such as sending letters and postcards to clients while incarcerated and ensuring, when possible, the same staff follow the client through the program. The grantees also found that including families in activities and events was beneficial to keeping clients engaged.

VA’s Veterans Health Administration (VHA) provides direct outreach and linkage services for Veterans who are engaged at all points of the criminal justice process. These services were significantly

impacted by the COVID-19 pandemic, as the widespread limitation of in-person visits at prisons, jails, and court facilities required operational adjustments to continue engaging justice-impacted Veterans. VHA's Veterans Justice Programs staff greatly increased their use of virtual outreach tools, including video and telehealth technology. In FY 2021, VHA used funding provided under the CARES Act to purchase data plans for VA-owned iPads. They then placed the devices in prisons, jails, and other criminal justice settings to enable contact between incarcerated Veterans and VA outreach staff. These VA-owned iPads are currently in use in 104 criminal justice partner facilities.

Incarcerated individuals who maintain supportive relationships with family members have better outcomes when they return to the community.⁶⁷ With limitations and restrictions on in-person visiting due to the pandemic, access to affordable communications services became especially critical to incarcerated people, whose primary or only communications option is to purchase telephone services from providers that typically charge high rates. In May 2021, the Federal Communications Commission took steps to reduce these barriers that impede incarcerated people's ability to stay connected with family and loved ones by lowering the interstate rate caps on calling services in carceral settings and, for the first time, establishing caps on international calling service rates at all prison and jail facilities.⁶⁸

Finally, while the expansion of virtual services has expanded accessibility, in many cases it also resulted in the unintended consequence of excluding those that live in rural communities without access to broadband or internet. The RCC notes that efforts to pivot to remote services should be considered with an understanding of the full impact. The RCC's grant-making agencies, including HHS and DOJ's Office of Justice Programs (OJP), plan to continue to track performance across grantees, with a special focus on the impact of COVID-19 adaptations. Operational adjustments prompted by the pandemic that build upon earlier innovations that can be expanded or taken to scale will be included in forthcoming evaluations of funding grantees.

Wraparound Reentry Services

Federal funding has played a critical role in supporting research and evidence-based reentry programs and services. These programs and services address the needs of, and barriers faced by, people leaving incarceration and returning to communities across the nation as well as formerly incarcerated individuals and individuals with criminal legal histories. One of the oldest federal reentry programs is DOJ's Second Chance Act (SCA) grant program that supports state, Tribal, local, and territorial governments and nonprofit organizations in making general system improvements and providing a wide range of reentry services. Since 2009, more than 850 SCA awards have been allocated to grantees across 49 states, Washington D.C., Guam, and Puerto Rico.

Many SCA awardees, including Project Ready in Muskingum County, Ohio, are engaged in a wide range of efforts to support reentry. Project Ready aims to reduce repeated incarceration of adults, especially among those facing poverty, mental health conditions, and/or substance use disorders, by coordinating services and providing focused mentoring. Through its efforts, Project Ready helps those in carceral settings successfully transition to independent living. In its first year, the total recidivism rate for Project Ready participants was eleven percent, well under the thirty-one percent rate of recidivism for the county overall. In addition to reducing recidivism, Project Ready successfully partnered with multiple agencies and organizations within the local and adjacent communities. Individual care plans were developed for each participant and immediate needs such as SNAP benefits

and Medicaid were obtained in nearly all cases. Moreover, as a result of the program's efforts, additional housing was developed within the community to help meet the needs of the reentry population.

In addition to food benefits to address nutrition insecurity, SNAP beneficiaries may be eligible to receive employment, training, and related supportive services through SNAP E&T. The program is flexible, allowing state agencies to tailor services and supports to the needs of participants and the communities in which they live.⁶⁹ SNAP E&T funds can further support participation in adult education and high school equivalency classes, postsecondary education, and vocational training and other job training activities, by helping cover the costs of such supports as child care, transportation, and expenses related to participation in SNAP E&T.

One reentry service provider, the Center for Employment Opportunities (CEO), emphasized that SNAP E&T partnerships were particularly crucial during the pandemic, as the federal program provided stability when state and local funding and private philanthropy fluctuated due to the economic uncertainty of the time. CEO reported that approximately seventy percent of their Colorado participants were enrolled in SNAP E&T, receiving paid work-based learning from CEO and access to support services, like reimbursement for commuting costs and fees in obtaining vital documents upon release. As a response to the COVID-19 pandemic, in 2021, the government of Colorado identified SNAP E&T as a capacity-building program for underserved communities and provided additional state investment into E&T vocational services, increasing reimbursement for state reentry partners like CEO.⁷⁰

Further, the VA is developing a new grant program that will fund a wide range of civil legal aid for Veterans who are homeless or at risk of homelessness. Although the grant program is not reentry specific, the legal services funding will undoubtedly address issues commonly encountered during the reentry process, including those related to housing, family law, and record expungement. In addition, as a way to better serve reentering individuals more broadly, DOJ's OJP encourages reentry-related grantees to use grant funds to address collateral consequences of convictions, including expungement of old criminal records when that remedy is available under the law, noting that using funds for these purposes has been previously allowable but not expressly specified in prior grant programs.

Finally, HHS has conducted research on interventions to divert people, particularly those with serious mental illness and substance use disorders, away from the criminal justice system entirely.⁷¹ Mental Health Block Grants provide treatment and recovery support services to adults with Serious Mental Illness and children with Serious Emotional Disturbances. These grants, including COVID Relief Supplement funds, permit the use of funds supporting care coordination to promote pre-adjudication or pre-sentencing diversion, providing care during gaps in enrollment after incarceration, and supporting other efforts related to enrollment for providing community mental health services.

Interagency Collaborations

Interagency collaborations have been a successful strategy for reentry programming during the pandemic, when access to services has been limited. RCC agencies have been working together to provide comprehensive programs that address the range of needs and supports required for reentry.

“Returning citizens bring skills and persistence to the workforce that are valuable to employers. The Department is dedicated to expanding employment opportunities for returning citizens who deserve to be supported with opportunities to succeed.”

**SECRETARY OF LABOR
MARTIN J. WALSH**

For example, in 2018, BOP and DOL partnered to establish a National Apprenticeship Program to promote Registered Apprenticeships for incarcerated individuals. Through this program, individuals in BOP facilities have the opportunity to obtain industry recognized skills and nationally recognized DOL credentials, rather than the state level certifications that had previously been earned in BOP Registered Apprenticeships. The national certification process enhances participants’ ability to secure meaningful employment following release. This collaboration further allows individuals who complete a program in one state and release to another to obtain a federal credential that is applicable across the country. BOP currently offers 165 Registered Apprenticeships ranging from 2,000 to 8,000 hours, with over 2,000 enrollees. Even during the height of the pandemic in 2021, 706 individuals completed the program and received DOL certification. Further, beginning in fiscal years 2022 and 2023, DOJ and DOL will partner to

provide intensive job training in selected BOP facilities followed by intensive, individualized reentry support during halfway house or home confinement.

HUD and DOJ have previously partnered to administer the Juvenile Reentry Assistance Program (JRAP), targeting youth aged 24 or below who reside in public or Section 8 housing, or who would be residing in public or Section 8 housing but for their criminal record. The goal of JRAP was to increase opportunities for these youth to pursue education, gain financial literacy, find work, and secure affordable housing. To accomplish these goals, the agencies provided grant funding to PHAs that had established a partnership with nonprofit civil legal aid organizations that focused on expunging, sealing, or correcting criminal records and providing other services to assist with mitigation and prevent collateral consequences of convictions or other contact with the criminal legal system. From 2016 to 2019, JRAP awarded over \$2 million to 21 PHAs nationwide. The housing authorities channeled most of these funds to civil legal aid providers. Approximately 1,000 youth were served through the program. This population was 84% Black, largely between the ages of 17 and 24, and lived in public housing (with a smaller percentage living in Section 8 Housing). As a result of JRAP funding, 644 expunging, sealing, or correcting criminal records cases were opened, and 262 (40%) of those cases were successfully granted. Other mitigation interventions included legal services related to driver’s licenses and identification, housing, financial obligations, school readmission, and alternative discipline. The program also assisted the served youth populations with the payment of fines and debts, and with obtaining penalty waivers, and new employment and public benefit opportunities.

JRAP ceased in 2019. However, lessons learned from the comprehensive approach of the program were integrated into other HUD grant programs. In particular, after JRAP, the Residential Opportunity and Self Sufficiency Program (ROSS) specifically notified grantees that ROSS coordinators could assist in connecting residents to legal aid and other providers for expunging, sealing, or correcting criminal records or securing certificates of rehabilitation. Further, in 2016, HUD and DOJ launched the Pay for

Success (PFS) Permanent Supportive Housing Demonstration. PFS is an innovative financing model that leverages philanthropic and private dollars to provide up-front financing, with the government paying after they generate results (i.e., “pay for success”). One PFS grantee in Los Angeles used the model to expand jail diversion, housed over 349 people at some point throughout the demonstration, and made over \$2.2 million in success payments to investors based on observed participant outcomes. The PFS research team is currently analyzing the full range of data for the Demonstration, with a report expected later this year.

ED is collaborating with DOJ as part of the full restoration of Pell Grants in approved prison education programs, which will expand opportunities for individuals who are incarcerated to access and engage in postsecondary education. Incarcerated people who participate in postsecondary education and training programs are forty-three percent less likely to recidivate than those who do not.⁷² In fact, every dollar invested in prison-based education conservatively yields \$4 to \$5 in taxpayer savings in reduced incarceration costs.⁷³ Through the collaboration, ED and DOJ are providing technical assistance to college programs operating under the Second Chance Pell pilot program. ED and DOJ also meet regularly to discuss emerging issues for justice-impacted individuals pursuing higher education.

While not limited to justice-impacted Veterans, HUD-VASH is a collaborative effort that pairs HUD’s Housing Choice Voucher rental assistance with VA case management and supportive services, including substance use counseling and other supports necessary to aid in recovery and maintain housing in the community. This model attempts to address the confluence of needs faced by the Veteran population and recognizes that providing an individual with safe housing serves as a critical first step in helping the individual recover from addiction. Using broad waiver authority, HUD established that by agreeing to administer the HUD-VASH program, a PHA is relinquishing its authority to determine the eligibility of families in accordance with regular Housing Choice Voucher program rules and PHA policies, with some exceptions. Specifically, PHAs do not have the authority to screen any potentially eligible family members or deny assistance for any grounds normally permitted under 24 CFR § 982.552 (broad denial for violations of HCV program requirements) and § 982.553 (specific denial for criminal activity and alcohol abusers), with one exception.⁷⁴

Prioritizing perspectives from those with lived experience

Many federal agencies are focused on centering the subject-matter expertise of justice-impacted individuals in their reentry efforts. For example, in July 2021, DOJ’s OJP posted a Visiting Fellows Program solicitation, which sought applicants with justice system experience to work collaboratively on specific strategies that build on and improve investments in reentry and reintegration. OJP selected two applicants to fund under this category, whose work will focus on strengthening outcomes for justice-impacted individuals. In addition, during FY 2022, the VA’s Veterans Justice Programs will fund new peer support specialist positions at VA facilities to work specifically with justice-impacted Veterans. These peer specialists, themselves Veterans who have gone through the transition from jail or prison to the community, will assist other Veterans in navigating reentry and minimize triggers or issues that lead back to the justice system. The peer support specialist positions are an expansion of the existing VA justice-impacted programming model, which has previously relied on interventions only by licensed clinical outreach staff.

IV. Recommendations to Further Reduce Barriers to Successful Reentry

While this report highlights some innovative steps that agencies and community partners have taken and are taking to eliminate barriers to reentry, the federal government has much more to do. Pursuant to the First Step Act of 2018 (FSA), this report must also include “recommendations for Congress that would further reduce barriers to successful reentry.”⁷⁵ Though it is by no means an exhaustive list, this section proposes recommendations and considerations for actions that both RCC member agencies and Congress can take to further facilitate successful reintegration, with a particular focus on needs related to housing, food security, health care, education, and employment. In addition, this section emphasizes the need for good data collection and assessment practices and robust funding language to ensure the most successful program results for justice-impacted individuals. Finally, the section highlights the benefits of targeting solutions to specific populations and proposes investment and research in supervision-related reforms that reduce recidivism and strengthen communities.

DATA COLLECTION AND FUNDING LANGUAGE

Common recommendation themes that emerged across issue areas involved improved data collection and broader funding language. Specifically, agencies and stakeholders emphasized the need for federal agencies to find innovative ways to incentivize good data collection and assessment efforts. This is important both on the front end, to understand where services are most needed, and on the back end, to evaluate whether services are effective, useful, and equitable across various demographics. ED’s Office of Federal Student Aid serves as an example. Particularly in light of congressional restoration of access to Pell Grants for incarcerated individuals, Office of Federal Student Aid continuously evaluates its policies, procedures, and operations to identify areas where incarcerated students may face barriers to applying for and receiving federal student aid. As a result of its evaluation, Office of Federal Student Aid has initiated changes to its systems to remove or mitigate these barriers, including developing a process for identifying incarcerated individuals to take special steps to limit barriers or challenges to those students. Office of Federal Student Aid has also initiated changes to its systems to improve data collection about incarcerated students and their receipt of federal student aid.

Some RCC agencies cautioned that grantees who do not proactively focus on reentry or providing services to individuals with criminal records may avoid or intentionally exclude this population from their participant pool due to real and perceived increased difficulties in serving the reentry population, particularly when those grantees are evaluated on their participants’ successfully finding employment and/or meeting other service needs. Changes to funding language that would require or encourage grantees to serve individuals with justice system involvement would be helpful to ensure that this population can benefit from a broader array of federal grant funds. To support this effort within HHS, the HHS Reentry/Criminal Justice Working Group developed strategies to encourage more grantees to open their participant pool to individuals with criminal records. These strategies include giving additional points to grant applicants that will include justice-impacted individuals in their participant pool, reserving funds specifically for grantees that serve the reentry population, and encouraging grantees to partner with local, often smaller, organizations that are already providing services to individuals with criminal records.

RCC agencies are also exploring additional ways to include perspectives from justice-impacted individuals. One strategy would be to conduct outreach to organizations led by people with experience to raise awareness of funding availability and other opportunities for federal support and partnership. HHS has ongoing work directly related to engaging individuals with experience across a range of human services areas in federal programming, policy, and research and has published a brief on methods and emerging strategies.⁷⁶

While most of the recommendations related to better data collection and revised funding language involve actions that federal agencies can take, there is also an opportunity for Congress to assist. Legislative language and/or policy guidance ensuring that funding is eligible to serve individuals with criminal records could help to ensure that this population benefits from a broader array of federal grant funds. Legislation could also be used to authorize implementation grants to community-based nonprofits to operate comprehensive “one-stop” reentry centers and reentry service assistance hotlines.

HOUSING

Many PHAs have taken steps to comply with HUD’s best practices guidance⁷⁷ and have revised policies and initiated programs to provide greater access to persons with criminal backgrounds. However, many housing providers continue to use rigid policies for evaluating criminal backgrounds that screen out individuals who committed non-violent crimes or whose criminal activity occurred many years ago. While PHAs have some discretion in setting their own criminal screening policies, HUD’s 2016 guidance took a significant step in helping housing providers understand how the use of criminal records in their screening policies could lead to liability under the Fair Housing Act.⁷⁸ HUD could further help PHAs and other housing providers by issuing criminal screening best practices and a sample policy to help PHAs and other housing providers implement HUD’s guidance.

In addition, collaborations between HUD and other agencies, like the HUD-VASH program with the VA and the JRAP with DOJ, provide comprehensive services that address the range of needs and supports required for reentry, including robust housing counseling, with a specific focus on assisting persons with criminal histories identify and locate affordable housing and housing options in areas of opportunity. With congressional funding support, HUD could reinstate programs like JRAP; however, rather than being restricted to youth, the program could be expanded to a larger HUD-assisted population, including public housing and Housing Choice Voucher applicants.

With Congressional authorization, HUD could also encourage and, in within its statutory basis, incentivize PHAs and other housing providers to provide housing opportunities specifically targeted to people involved in the criminal justice system. Many housing providers have engaged in partnerships and efforts to proactively improve access to federal housing assistance for justice-involved people, as well as to create housing that is specifically intended to support reentry to the community. These include examples where PHAs have partnered with reentry organizations and corrections agencies to adopt admissions preferences for people leaving prison or jail who are receiving reentry services. In addition, some communities have also created permanent supportive housing models for people reentering the community from incarceration who have experienced or are at high-risk of experiencing homelessness.

Finally, several legislative bills have been proposed to address a wide-range of housing-related barriers to reentry. These bills include requiring that public housing authorities consider specified factors, including evidence of rehabilitation, before denying or terminating assistance based on criminal conduct and limiting the types of “covered criminal conduct,” that may bar admission to federally assisted housing. Legislation has also been proposed to repeal existing laws that makes individuals convicted of offenses involving the possession of a controlled substance ineligible for federal benefits for up to one year, and that allow public housing agencies to obtain information from drug abuse treatment facilities. These types of legislative efforts to eliminate barriers and collateral consequences to convictions could further facilitate successful reentry.

FOOD SECURITY

Restoring access to food benefits for those with a felony drug conviction could provide basic support and reduce food insecurity for formerly incarcerated individuals and families. Specifically, as proposed by President Biden in the American Families Plan, Congress could repeal the lifetime ban that prohibits individuals convicted of certain offenses related to the possession, use, or distribution of a controlled substance from receiving SNAP benefits or assistance under programs funded by TANF block grants.⁷⁹ In addition, currently, unless specifically excepted, individuals residing in carceral facilities do not constitute a household. Congress could address this issue with legislation that stipulates that individuals who are incarcerated but scheduled to be released within a certain period of time would qualify as individual households for purposes of SNAP eligibility.

“USDA is committed to examining barriers to reentry for individuals returning from incarceration and identifying efforts to improve food security for this population.”

**SECRETARY OF AGRICULTURE
TOM VILSACK**

Legislation that allows individual food benefits for recently released individuals who are living in halfway or transitional housing facilities could further support reentry efforts by ensuring that these individuals have food security as they engage in training and employment outside of the residential facility.

HEALTH CARE

Access to quality health care is a critical component for successful reentry. Prior to the passage of the Affordable Care Act (ACA), most justice-impacted individuals did not meet Medicaid’s income or categorical eligibility requirements, and typically would have been uninsured with limited access to needed services.⁸⁰ Medicaid expansion for adults, made possible by the ACA, offered new opportunities to increase health coverage for the formerly incarcerated, contributing to their ability to access care and reduce recidivism risks.⁸¹

HHS has issued guidance related to Medicaid as it relates to incarcerated populations.⁸² In addition, as mandated by the SUPPORT for Patients and Communities Act, HHS convened a stakeholder workgroup to discuss innovative strategies and develop best practices to help incarcerated individuals and those releasing from carceral settings who are otherwise eligible for Medicaid, and to ensure continuity of coverage and seamless transitions back to the community. The development of further HHS guidance, informed by recommendations of the stakeholder group, is predicated on a future Report to Congress.

Further, jurisdictions should develop mechanisms to establish partnerships and referral mechanisms between the criminal justice system and other programs and services. Criminal justice authorities, including judges, state executives, police, and corrections officials, often have significant influence over the reentry process and experience. Criminal justice coordinating committees that include criminal justice authorities and representatives from other social service and health care programs should engage in both strategic program planning and coordinate on more day-to-day issues. For example, corrections officials should work with local community mental health and substance use providers to develop transition services, “warm handoff” release procedures, and a more integrated behavioral health system.

EDUCATION

Congress’s restoration of access to Pell Grants for incarcerated individuals in December 2020 represents a unique opportunity to improve reentry outcomes. Notwithstanding this significant effort to remove educational reentry barriers, additional resources and programs are needed to grow the educational continuum both inside and outside of correctional facilities. Federal agencies should continue to collaborate with correctional facilities and institutions of higher education to ensure that the facilities are able to implement and achieve educational supports for justice-impacted individuals notwithstanding their various operational, jurisdictional, and state law differences.

Technical assistance activities provided by ED under the Workforce Innovation and Opportunity Act (WIOA) will build capacity for integrated education and training programs, and industry credentialing specifically geared towards incarcerated individuals. Adult education programs in correctional facilities, funded in part under WIOA, provide some students who are incarcerated with services to attain a high school diploma or its equivalent. Other ED funding streams also provide support for education during incarceration. However, the disproportionate education gaps experienced by individuals who are incarcerated show much more progress is needed to prepare incarcerated individuals for postsecondary education, especially in light of the new eligibility for Pell Grants in prison education programs. Adult education programs in correctional facilities can provide stronger intentional on-ramps into postsecondary education. Also, additional investments in safe technology in carceral settings would help to supplement in-person learning and adapt to evolving educational platforms and methods of instruction.

Further, Title I, Part D, Subpart 1 of the Elementary and Secondary Education Act of 1965 is designed to provide educational services to neglected or delinquent children and youth in institutions for neglected or delinquent children and youth, in community day programs, and in adult correctional institutions so that these students can transition to schooling or employment, and in order to prevent recidivism.⁸³ However, despite research showing the very real benefits of keeping youth in the community at the local level, as opposed to correctional facilities at the state level, very few students served through Title 1, Part D, Subpart 1 are placed in community day or nonresidential educational programs.⁸⁴ Prioritizing community day and nonresidential education under Title I, Part D, Subpart 1 in order to better address the needs of justice-impacted students should be an issue for further administrative and legislative consideration.

“I am committed to ensuring that the Department works to serve currently- and formerly incarcerated students well, and to increasing access to high-quality post-secondary education for these students.”

SECRETARY OF EDUCATION
MIGUEL CARDONA

EMPLOYMENT

DOL and BOP’s collaboration through the National Apprenticeship Program helped ensure nationwide employment for participants upon release. DOL will continue to collaborate with agency partners to design programming to remove employment-related reentry barriers. The President’s FY23 budget supports key investments in First Step Act implementation, including \$100 million for DOJ’s BOP and DOL to develop a national initiative to provide comprehensive workforce development services to those in federal prison, both during their time in BOP facilities and after they are transferred to community placement.⁸⁵ DOL and DOJ would also oversee evaluation to assess these programmatic efforts on recidivism, labor market outcomes, and other key metrics.

Further, states are increasingly enacting reforms to ease occupational licensing barriers for those with prior felony convictions; however, licensing restrictions vary dramatically. Some states continue to lack even the most basic protections for justice-impacted individuals seeking a license to work.⁸⁶ Like the National Apprenticeship Program, any reentry-focused employment training should promote available licensing and credentialing tools so that justice-impacted individuals train for jobs that do not have barriers that would prohibit them from working in that industry upon release. Moreover, to facilitate post-incarceration employment, states should continue to develop systems and agreements needed for justice-impacted individuals to secure REAL ID, a driver’s license or identification card that is also a form of federal identification, at the time of release.

TARGETED SERVICES

VA programmatic efforts illustrate that targeting services to specific populations can be a successful strategy for reentry. Effective identification of Veterans in criminal justice populations is the vital first step toward facilitating access to needed VA services for Veterans upon release. VA’s Veterans Reentry Search Service tool offers criminal justice agencies a free, accurate means of identifying Veterans among incarcerated and defendant populations. Additionally, obtaining accurate release information

from carceral facilities and federal partners may allow VA to expedite the restoration of VA benefits post-incarceration.

This targeted strategy could be replicated to support other groups of people needing reentry services, such as American Indians and Alaska Natives and survivors of human trafficking. DOJ's OJP has worked to address Tribal needs through Second Chance Act grant programs, as well as resources and opportunities specifically designed for Tribes. DOJ's National Institute of Corrections (NIC) provides training and technical assistance opportunities for Tribal corrections; however, this work represents a very small portion of NIC's portfolio. Given the unique cultural differences within the 574 federally recognized Tribes, and possible operational challenges of law enforcement and corrections efforts on Tribal lands, NIC would welcome the opportunity to work with interested Tribal communities to assist in developing programs for reentry focused on Indian Country jails. More broadly, while the reentry needs of American Indians and Alaska Natives in federal or state carceral settings—such as stable housing, food security, and access to health care, education, and employment—are generally the same as the rest of the justice-impacted population, the many unique cultural practices and diverse geographic locations presented warrant differing consideration. Services and programs that are responsive to these considerations would benefit American Indians and Alaska Natives returning from incarceration and to their communities.

In addition, federal funding and policy could encourage correctional facilities to consider new strategies to better serve individuals who have experienced trafficking and have criminal records due to their trafficking experiences. These efforts, including educating prison and jail staff about human trafficking, identifying those who have been (or are being) trafficked, and gathering intelligence that can be shared with law enforcement around perpetrators, should begin in prison and jails and continue after release. Survivors of trafficking who have been incarcerated require services to address a wide range of immediate, ongoing, and long-term needs. HHS published guidance that introduces evidence-based practices that could be used to help incarcerated individuals who have experienced trafficking, including supportive housing programs and legal assistance with vacating criminal records. Such efforts assist trafficking survivors achieve self-sufficiency, avoid re-victimization, and successfully reintegrate into society.⁸⁷ In FY22, OJP's National Institute of Justice is seeking proposals for research on strategies to improve outcomes for justice-impacted human trafficking victims.⁸⁸ Additional research is needed to better understand the intersection between trafficking and prisons, as well as how reentry programs can use more trauma-informed, culturally competent, and victim-centered approaches to combat barriers to reentry for this population.

SUPERVISION-RELATED REFORMS

Supervision and parole are meant to reduce the risk that a person will commit another criminal act, and to support rehabilitation and reentry, not to serve as punishment or long-term incarceration for an offense. Accordingly, supervision and any associated conditions should be aimed at rehabilitation, deterrence, and public safety. DOJ's NIC introduced a study of the Dosage Probation model, a model of probation that suggests that the length of supervision should be determined by the number of hours of intervention necessary to reduce risk, rather than an arbitrarily or customarily established amount of time (e.g., three years, five years, etc.).⁸⁹ Further, no adverse consequences for nonpayment of fines

and fees should be imposed without first conducting an ability-to-pay determination and establishing that the failure to pay was willful.

During the pandemic, many jurisdictions utilized innovative models of supervision for low-risk probation and parole populations. In person check-ins at parole and probation offices in many jurisdictions pivoted to virtual check-ins, many limited drug testing to only the most high-risk cases, and many jurisdictions stopped arrests and violations of supervision for minor violations that did not constitute new criminal activity—known as “technical violations.” For people who are compliant with the terms of their supervision, presumptions or considerations of early termination of probation or supervised release may be appropriate depending on the individualized facts and circumstances of the case. Strategies like these may continue to be studied, evaluated, and implemented to increase community safety through recidivism reduction. These strategies can also achieve fiscal savings by reducing periods of supervision and barriers to reentry.

Conclusion

Stakeholder have long focused on efforts to mitigate against barriers to reentry. The launch of the RCC represents one additional step forward toward reducing these barriers. This report describes initial work of the collaboration thus far; however, there is much more this body can achieve. The composition of the RCC, representing expertise and missions across many sectors of society, provides an effective mechanism to promote access to justice efforts more broadly. Specifically, this interagency effort offers an opportunity to break down silos between federal agencies, to understand the broad impact of the justice system, and to pursue a comprehensive approach to identifying effective solutions. While this report provides preliminary recommendations that could further facilitate successful reentry, particularly addressing needs related to housing, food security, health care, education, and employment, broader collaboration and innovation will undoubtedly be required to advance successful outcomes. Both RCC member agencies and community stakeholders recognize that a permanent collaborative effort, perhaps with an expanded scope and additional federal agency participants, would be helpful to further facilitate not only the successful reentry of justice-impacted individuals but also to propose innovative solutions related to access to justice issues more broadly.

SPOTLIGHT ON CONTRIBUTORS

Stakeholder engagement was an essential component of this collaborative effort. The RCC would like to express our sincere thanks and appreciation to the individuals and organizations listed below for serving as listening session panelists and providing comprehensive feedback on barriers to reentry. These stakeholders' collective expertise and experience provided critical perspectives on barriers to reentry and a wide range of policy recommendations to mitigate against these barriers. This report does not necessarily reflect the views of any contributor.

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- Fair and Just Prosecution (FJP)
- JustLeadershipUSA (JLUSA)
- Justice Roundtable
- LA Conservation Corps (LACC)
- Life Unbolted Inc. (LU)
- National Alliance on Mental Illness (NAMI)
- National Conference of State Legislatures (NCSL)
- National Low Income Housing Coalition
- Prison Fellowship (PFM)
- Pioneer Human Services
- R Street Institute
- Safer Foundation
- Shriver Center on Poverty Law
- The Doe Fund
- The Vera Institute of Justice (Vera)
- Workforce Inc. (d/b/a RecycleForce)

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