



PENNSYLVANIA LEGISLATIVE BLACK CAUCUS & HOUSE DEMOCRATIC POLICY COMMITTEE JOINT PUBLIC HEARING

Topic: Re-Entry Initiatives
Temple University – Philadelphia, PA
April 23, 2019

AGENDA

6:00 p.m. Welcome and Opening Remarks

6:10 p.m. Panel One:

- Brandon Flood, Secretary, Pennsylvania State Board of Pardons
- Freddy Nole, Former Juvenile Lifer
- Louis Narvaez, Jr., Eastern Regional Director, Pennsylvania Board of Probations and Parole
- Mike Lee, Assistant District Attorney & Director of Legislation and Government Affairs, Office of the District Attorney of Philadelphia
- Byron Cotter, Chief of Alternative Sentencing/Probation and Parole, The Philadelphia Defenders Association

6:35 p.m. *Questions & Answers*

6:50 p.m. Panel Two:

- Claire Shubik-Richards, Executive Director, Pennsylvania Prison Society
- Joanna Visser Adjoian, Co-Director, Youth Sentencing & Reentry Project
- Romanus Miles, Former Inmate and Tradesman
- Abdur Scott, Case Manager, SOAR Program, OIC Philadelphia
- Dawn Chamberlain-Hunter, Former Inmate and Entrepreneur

7:15 p.m. *Questions & Answers*

7:30 p.m. Panel Three:

- Bernard Hopkins, Boxing Champion
- Asya Richardson, Former Inmate and Entrepreneur
- Laurie Corbin, Director, Public Health Management Corporation
- Bill DeWeese, Former Speaker of the House, Pennsylvania House of Representatives

7:50 p.m. *Questions & Answers*

8:05 p.m. Closing Remarks

Good evening, my name is Louis Raul Narvaez Jr, I am the Eastern Regional Director of the Pennsylvania Board of Probation and Parole(PBPP). I thank the Pennsylvania Legislative Black Caucus and specifically Chairman Stephen Kinsey, in addition to all involve in orchestrating this event and affording me the opportunity to be part of this distinguish panel and share the various innovations that the Parole Board has implemented in efforts to successfully advance reintegration of parolees into the community.

I would be remised if I did not also thank my Chain of Command Deputy Secretary Christian Stevens, Executive Deputy Secretary George Little and Secretary John Wetzel.

To begin the discussion, I must reference our Mission Statement as it is the driver as to what we do. We are tasked with at minimum promoting public safety, utilizing sound decision making practices, that include evidence based practices approaches and to aid parolees in reentering society.

Historically Parole has been viewed by many especially the community as primarily a Law Enforcement agency whose goal is to violate parolees and return them to a state correctional facility. This stigma /perception coupled with society's perception and is some instances a need for retribution and an eye for an eye presents us with many challenges. We work with victims and the public to ensure safety, however also work with the parolee in efforts to assist them in achieving positive outcomes, and in many instances the parolees return to those communities where the crime occurred.

The state of Pennsylvania is divided into three (3) regions Western, Central and Eastern. The Eastern Region is composed of the Philadelphia, Norristown and Chester District Offices. In the Eastern region as of March,2019 we supervised approximately 15,006 clients. Of that number 23 were returned to a State correctional institution or community County Jail, for technical Violations of Parole during the month of March.

Historically it was the norm for Client contact with Probation and Parole officers/agents to be focus on and some instances limited to enforcing compliance with conditions of supervision. However, some of the innovations that has been introduced nationwide and in particular in the Pennsylvania board of Parole is refocusing the lens of how we supervise and interact with our parolees. This is not to suggest that the conditions are no longer a driver,

simply that other factors are also considered such as the **Criminogenic need**. Criminogenic Needs are factors in an offender's life that are directly related to recidivism. Research has identified six factors that are directly related to crime: low self-control, anti-social personality, anti-social values, criminal peers, substance abuse and dysfunctional family (definition varies).

In the latter half of the 20th century, a trend began toward deinstitutionalization of persons with mental illness which had a direct impact on Corrections as well as Probation and Parole. At the end of 1988, more than 100,000 patients resided in state and county mental hospitals. By the end of 2000, fewer than 56,000 patients resided in these hospitals, a reduction of almost one-half. An increasing number of these individuals have become involved with the criminal justice system with no indication of a decline in the trend. The Bureau of Justice Statistics estimated that mid-year 1998, there were 283,800 mentally ill offenders in the nation's prisons and jails, representing 7 percent of federal inmates, 16 percent of state prison inmates, and 16 percent of those in local jails.

During those same decades, cognitive-behavioral therapy (CBT) emerged as the predominant psychological method of treating not only mental illness, but a broad spectrum of socially problematic behaviors including substance abuse, criminal conduct, and depression. CBT attempts to change negative behaviors by attacking, as it were, from both ends. Clients are not only taught more positive behaviors to replace their old ways of getting through life, they are also shown how to be more attuned to the thought processes that led them to choose negative actions in the past.

Cognitive-behavioral therapy (CBT) comes from two distinct fields, cognitive theory and behavioral theory. Behaviorism focuses on external behaviors and disregards internal mental processes. The cognitive approach, by contrast, emphasizes the importance of internal thought processes.

In the early 1960s, therapies began to develop that **blended** the elements of behavioral therapy with cognitive therapy. Thus, although behavioral therapies and cognitive approaches seemed to

develop in parallel paths, over time the two approaches merged into what is now called cognitive-behavioral therapy.

In the treatment of parolees, a third focus is added to the traditional CBT focus on cognitive functioning and behavior: developing skills for living in harmony with the community and engaging in behaviors that contribute to positive outcomes in society. This strategy combine with our utilization of Effective Practices in Community Supervision (EPICS) has assisted us in achieving desired outcomes. EPICS includes but is not limited to determining if the offender has any crises or acute needs, building rapport and discuss compliance issues, focuses on the skills discussed in the prior session, the application of those skills, and troubleshooting continued problems in the use of those skills and Intervention where the agent identifies continued areas of need and or trends in problems the parolee's experiences, teaches relevant skills, and targets problematic thinking.

Our agents spend the majority of time in the field and have agent control hour that allow them to meet with the parolee other than the traditional 9-5 hours. Field agents are assigned state vehicles, I phone and a iPad that allow them to access the necessary applications we use to make the interview meaningful.

If a parolee is non-compliant we go through a graduate sanction process prior to a submission of a Violation (VOP). The sanctions include but are not limited to increased reporting, Curfews, written warnings and Global Positioning Satellite (GPS). The Parolee is made aware of the non-compliant behavior and given the opportunity to correct it. This process not only involves meeting with the agent and Parolee but also the supervisor agent and parolee. Each District Office Interview area has a no disrespect Zone notice posted proving contact Information for the parolee to contact if they feel they have been treated unprofessional. Additionally, we have Assessment, sanctioning and community resource agents (ASCRA). The ASCRA agent serves as the local field expert in matters pertaining to Evidence Based Practices (EBP), and to Facilitate CBT groups in addition to being a resource person as it relates to various opportunities available for the Parolee.

We are aggressively involved in community engagement and sit at various reentry stake holder meetings. PBPP staff Chaired the Host Committee for the American Probation and Parole

Association 43rd training Institute in Philadelphia last summer where our community Partners were allowed to have exhibits free of charge to display their efforts in reentry (first for APPA). We are also involved in a local reentry radio talk show (Looking Forward Reentry Radio 106.5 FM) on a regular basis where we update and educate the community and our parolees to our mission and practices. We have also been involved in sharing our reentry practices with the International community, Japan and Tunisia specifically who sent a delegation that are in the process of developing and or enhancing their Probation and Parole system. Japan is developing a position paper in Preparation for the United Nation 2020 summit on Crime Prevention and Criminal Justice.

The number of people incarcerated in the United States grew steadily for nearly 30 years. That number has been slowly decreasing since 2008, but as of 2016 there were still over 2 million people incarcerated in prisons and jails across the country. The Bureau of Justice Statistics (BJS) reports that since 1990 an average of 590,400 inmates have been released annually from state and federal prisons and almost 5 million ex-offenders are under some form of community-based supervision.

Nearly all prisoners will return to their communities as some point. Offender reentry can include all the activities and programming conducted to prepare prisoners to return safely to the community and to live as law-abiding citizens. Some ex-offenders, however, eventually end up back in prison. The BJS's most recent study on recidivism showed that within five years of release nearly three-quarters of ex-offenders released in 2005 came back into contact with the criminal justice system, and more than half returned to prison after either being convicted for a new crime or for violating the conditions of their release. Compared with the average American, ex-offenders are less educated, less likely to be gainfully employed, and more likely to have a history of mental illness or substance abuse—all of which have been shown to be risk factors for recidivism.

It is my belief that the conversation of reentry minus the inclusion at minimum of the victims and or community members make the successful reintegration of the parolee more challenging. The

education of the parolee, victim, and community residents to reentry will begin to erode some of the misconception, prejudices and stereotypes that many of the parolee's encounter.

Resources & Reading List:

1. U.S. Department of Justice *Cognitive Behavioral Treatment*
National Institute of Corrections www.nicic.org,
2. Pennsylvania Board of Probation and Parole
www.pbpp.pa.gov
3. CorrectionsOne.Com
<https://www.correctionsone.com/probation-and-parole/articles/8455771-6-traits-lead-to-criminal-behavior/that-lead-to-criminal-behavior/>
4. Congressional Research Service-7-5700 RL34287
www.crs.gov

Testimony by John Frederick Nole

Ladies, Gentlemen, Students, Honored Guest, Family and Friends. I would first like to thank State Representative and Black Caucus Chairman Stephen Kinsey, for this opportunity to address those who are concerned with issues of our Criminal Justice and Correctional systems,

My name is John Frederick Nole, also known as Freddie Nole. I spent over 49 years under confinement between the Philadelphia County prison system and The Department of Corrections. I received my status of Confined/Liberty (Parole) on January 17, 2019, as a result of the Miller and Montgomery decisions for Juvenile Lifers.

My history of incarceration began when I was between the ages of 8 and 9. Between 1959 and 1968 I spent almost 5 years of my life in and out of incarcerated circumstances, being placed in various reformatories due to delinquency and school truancy. Then in 1969 at 17 I was arrested, convicted of robbery homicide and spent the next 49 years in county and state prisons. I entered prison with a fifth grade education, barely able to read and write. This is a consistent theme among those who go to prison as youthful offenders.

I am here this evening to make a statement that punishment alone for a crime does not help remedy the problems or behaviors that are inconsistent with the norms of our society.

In almost five decades of incarceration, I have seen the potential of the correctional system's ability to provide productive opportunity and resources to those willing to change. The last three decades, however, have done little to offer those same opportunities for developing skills that could be used upon release. The last few decades have seen little evidence that the betterment of communities has been factored into the activities of both the Criminal Justice and Correctional systems. Most government funded programs and agencies, such as hospitals, schools, colleges, retirement facilities, when given hundreds of millions of dollars, are expected to produce a quality product.

The Department of Corrections, which is given billions and should have the task of delivering back into the community, better, changed, less violent individuals, as assets rather than liabilities, appears to be exempt. The Department of Corrections continues to opt for punishment and less for education and rehabilitation.

Today, I'm here not to travel down the roads we've trekked time and time before. This evening, I hope we will look at and explore a principle to which I believe there is no dispute. That is, that any given time, on any level, be it social, educational, therapeutic or political, no matter the circumstances, people, all people, have ability to change into something better than they were before.

There are around 46,000 people in Pennsylvania's prisons, including some serving life sentences who literally did not kill anyone. They are among those serving extremely long sentences and are primary contributors to clogging the prison system with aging prisoners. It's time to address the obsolete methods employed to confine for long periods of time, merely because it's traditional rather than practical. It's time to review what the individual did before they went to prison, where they were in their lives and look at them later down the line. This means putting into place a

mechanism to see when they no longer need to be confined. The ability of a person to change for the better should not be eliminated as a part of the stance on crime and punishment and the amount of time a person is confined.

The cultural divide in the Criminal Justice System is always the elephant in the room, when the issue of disproportionate sentencing negates the mitigating circumstances of the poor and the uneducated. Philadelphia has an Inherent Jurisdiction policy that allows the court to review a defendant's sentence and, based on a variety of circumstances, alter that sentence to be appropriate to one's overall behavior under confinement. While this process is germane to county sentences, it may serve Philadelphia County to extend this process to state court sentences in order to allow a judge, with the cooperation of other judicial agencies, to reduce a sentence based primarily on the individual's age, mitigating factors, and whether the sentence remains relevant to the crime and the person's rehabilitation.

Philadelphia tax payers must ask this question. Do we need to keep paying for people who don't need to be in prison anymore, should long parole supervision continue without looking further at its necessity and do we need to evaluate when imprisonment is no longer a necessary tool to address a particular sentence? We must get to a point where we say 'no', 'no' and 'yes'. We should raise our overall level of decency as an educated and informed society.

When we talked about the issue of Life Beyond Bars, the most important consideration should be what's available to returning citizens; what gives them the best opportunity for success. Two primary elements fit that bill, housing and jobs. This includes establishing housing and a job before a person is released, when and where appropriate.

My personal experience includes being denied the opportunity of living where my wife lived for more than nineteen years because I would be on parole. Another home she had was not approved because my conviction was not 50 years old. This is not an isolated incident as it affects a large amount of returning citizens and may never be reported, documented or have the problem addressed.

Policy Hearing Notes/Thinking

Good morning to all. My name is Romanus Miles. I was incarcerated for twenty five (25) consecutive years and served all of my state sentence at SCI-Graterford. I was released on September 19, 2017.

I participated in and completed various programs while incarcerated at Graterford. I acquired my Journeyman License as an Electronic Technician, and Journeyman License as a Maintenance Electrician. Years later I obtained my Commercial Driver License (CDL), Class B, with airbrake restriction removed while housed in the Outside Service Unit (OSU).

While incarcerated, I maintained two job assignments, working as an Electrician, under the Supervision of Larry Finn, and schooling to acquire other Licenses. It was these programs that contributed to my successful reentry into Society, along with caring correctional staff. These programs made me more marketable and equipped me with the skills and knowledge needed in order to compete with others in our ever changing society.

Specifically, my CDL allowed me the opportunity to obtain a position as a Truck Driver within the first week of my release. My electrical and electronic background was the foundation to me starting my career as a Lineman Apprentice presently with Local Union 126. Without these programs, my current career would have been delayed greatly, possibly years, or never occurred.

Men and women throughout the D.O.C. were able to obtain their Journeyperson License, as a Plumber, Carpenter, Electrician and more, however, the Department Of Corrections (D.O.C.) eliminated these programs, which were under the Department Of Labor.

Furthermore, 94.1 - 94.7, of Title 37 has been eliminated through legislation, which would be very beneficial to reentry of all participants; besides producing money to offset the cost of incarceration, for those who participate in these programs. I speak of work release, & furloughs for those incarcerated, and/or on pre-release status.

Another major factor is commutation. Many people whom deserve a second chance are overlooked. In my opinion, second chances are not given due to an individual's past, which will never change. Further, a new thinking is needed, making an individual accountability for his/her own actions, and not the masses. Such methodology has drastically hindered reformed individuals from being given a second chance, such as, Lifers, and Long-Term Offenders.

I met many people during my twenty five consecutive years of incarceration. I will not sit here and say I would trust everyone being released, because some are not reformed and they have kept the same mind set. However, there are others that do deserve a second chance at freedom.

Present today are supporters of a second chance, such as Ray King, Jr., Vice President at Carr & Duff, Electrical Contractor, and a representative from Lineman's Local Union 126 (IBEW). Both are of the mind set of possibly employing individuals upon their release, given proper training is received during the person's incarceration, and other criteria being met.

D.O.C. programs are important, as well as programs that will truly help the reentrant. These programs helped me, and other programs that were no longer available would have helped me further. Additionally, new thinking or measures would further the cause in reducing the prison population, and cut cost all across the board.

Thank you for time, and hearing me on these important matters.



**Testimony on Re-Entry Initiatives
Presented to the Pennsylvania Democratic Policy Committee
April 23, 2019**

Thank you to the members of the Pennsylvania Democratic Policy Committee and the Pennsylvania Legislative Black Caucus for hosting today's hearing on re-entry.

The Defender Association of Philadelphia represents nearly 70 percent of adults and children facing charges in Philadelphia. We employ rigorous training for our team of lawyers, social workers, and support staff to provide high-quality, client-centered representation. Providing legal representation and holistic support in tens of thousands of cases each year gives the Defender unique insight into the drivers of mass incarceration that perpetuates generational cycles of poverty and entanglement in the criminal justice system.

In order to disrupt these cycles and prevent people from being re-incarcerated, we need strong re-entry programs to support people rebuilding their lives. The reality is that men and women in our jails leave more desperate, without critical resources and supports.

The Defender Association's Alternative Sentencing Unit plays an important role in helping people successfully return to their communities following incarceration. We've built relationships with innovative programs across the city like New Leash on Life, the Goldring ReEntry Initiative, and others to equip clients with the tools they need to succeed after a period of incarceration or supervision. These county programs are highly successful and programs of this type should be implemented statewide. We partnered with MenzFit to offer a series of re-entry workshops for people who were incarcerated for decades after receiving life sentences before the age of 18 and subsequently paroled.

In addition, while probation and parole were designed to help people re-integrate into society, they have instead become another driver of mass incarceration, in the form of "mass supervision." One out of every 22 adults in Philadelphia is supervised, often for long periods of time, but this does little to support re-entry. Research has shown that after the first year, supervision hinders rather than supports re-entry by imposing unnecessary barriers to building a sustainable life. Adding to burdensome reporting requirements of supervision, people who allegedly violate the conditions of their supervision, even for minor infractions, can be incarcerated with no opportunity for release. Meek Mill's case has shined a light on the

problems of mass supervision, but thousands of other Philadelphians who remain incarcerated because of alleged probation and parole violations.

Our commitment to mitigating the effects of unnecessary supervision extends beyond individual client advocacy to systemic reforms. For instance, we assisted in the drafting of Senate Bill 14, legislation that would limit probation terms and prohibit lengthy periods of incarceration for minor technical violations. This bill, which enjoys bipartisan support, is critical to successful re-entry.

While these re-entry initiatives have demonstrated great success, we strongly believe that by reducing the number of people who needlessly sit in jail pretrial and reduce unnecessary entanglement in the criminal justice system, we can focus re-entry services on those who need them most.

The Defender Association is partnering with community groups to reimagine a pretrial system that ends wealth-based incarceration fueled by our current cash bail system. Instead of waiting until re-entry, our model involves community through pre-entry to connect people with individualized supports as early as possible to help them succeed pretrial and support better outcomes systemwide.

Rather than waiting until a person has lost employment, housing, benefits, access to mental health treatment, and other critical supports while incarcerated – often leading to people pleading to charges to get back to their lives and finding themselves caught in the framework of “mass supervision,” we believe that connecting people to providers that address their underlying issues pretrial not only supports better legal outcomes, but increases community safety and can reduce racial and economic disparities that plague our criminal justice system.

Defender bail navigators are already working with community groups to help individuals on the front-end of the justice system secure jobs, get ID, and recovery and mental health services they need as soon as possible. Expanding this model will make our neighborhoods safer and shrink our justice system that too often jails people that don’t need to be there. Community groups can walk individuals through the justice process and support fair outcomes through the work of participatory defense hubs.

The Defender Association believes that shifting our focus to addressing people’s needs at the front end of the criminal justice system is the strongest initiative to support re-entry. By reducing unnecessary incarceration, our system can better support people returning to their community after serving time in our jails and prisons.

Thank you.



PENNSYLVANIA
PRISON SOCIETY
justice & compassion

The Pennsylvania Prison Society, the nation's oldest human rights organization, and our partner, Broad Street Ministry, thanks the Legislative Black Caucus for all the work caucus members are doing this session, and for this discussion on the critical issue of re-entry.

On any given day, 80,000 Pennsylvanians are behind bars. That is almost 1 percent of the Commonwealth's adult population.

For all but a few individuals, life behind bars is temporary. Having been cut off from family, community, and opportunity, the challenges of returning and establishing yourself back in the community can be monumental.

How can those challenges be minimized, and opportunity maximized?

At the Prison Society, through our partnership with Broad Street Ministries, we focus on:

Providing a bridge from life on the inside to life on the outside. A reentry plan – where you will stay, what employment you will seek – looks one way in the cut-off world of a prison cell. But when you are home, the reality can look very different. The housing you thought you had can fall through, the experience of a job, if you can find one, can be very different than what you envisioned. Through our mentoring program at Department of Corrections facilities, we pair currently incarcerated people with volunteer community mentors. Mentees and mentors meet regularly in the prison and continue to meet after release. In this way, our mentors provide a critical community tie and support that bridges these two, radically different periods of a person's life.

Getting a jump start on the logistics of reentry. A major component of our mentoring program is a weekly reentry preparedness class in which we don't just set goals, we do the necessary paperwork so that identification, mailing address, and insurance eligibility are completed prior to release. With our partnership, an individual can walk out on their release date with a safe, secure mailing address establishing their community residency; and a pre-screened application for public benefits such as food-stamps and health insurance. This also means that if a person is returning to Philadelphia, we can meet them at Broad Street Ministry the week they come home with an intake already completed and their prison medical records already shared with a federally qualified health center on-site. They already know one of the case managers—because they've been attending our reentry preparedness classes for months--and they have an existing service plan articulating the goals and challenges this individual wants to work on with Broad Street staff. We estimate this puts that individual roughly 2-3 weeks ahead of someone coming home without those supports already in place.

This is what the Prison Society and Broad Street Ministry are doing. And this is how the legislature can help:

- Reduce barriers to incarcerated people getting identification and insurance upon release.
 - Require that all facilities in the Commonwealth provide people all of their belongings and funds at the moment of release, regardless of what time of day or night the individual is released.
 - Have people serving their sentence in state facilities spend their period of incarceration close to home.
 - Continue to fund the work of our organizations and others like us who are making a difference in the lives of incarcerated people and their families.
 - Utilize research, such as the Five Key Model for Reentry, to raise the bar for reentry service.
- Many organizations that assist returning citizens are strapped for resources and are unable to undertake systematic quality improvement. Funding training and technical support to raise the bar on services will improve outcomes for individuals and communities.





**Testimony for “Life Beyond the Bars”
Public Hearing on Reentry Initiatives**

***Submitted by John Pace, JLWOP Reentry Coordinator
Youth Sentencing & Reentry Project (YSRP)
April 23, 2019***

Thank you for the opportunity to speak with you this evening. My name is John Pace. I am here representing the Youth Sentencing & Reentry Project (YSRP), where I work as the Juvenile Lifer Reentry Coordinator. I am joined by my YSRP colleague Cameron Holmes, and we will be splitting our time.

I myself am a juvenile lifer, who served 31 years in prison before being resentenced and released a little over 2 years ago. Juvenile lifers are men and women who were children when we were sentenced to a mandatory term of life imprisonment for crimes committed before the age of 18. Based on a series of rulings handed down by the U.S. Supreme Court, all juvenile lifers are now entitled to be resentenced. As of April 4, 2019, 184 juvenile lifers had been released in Pennsylvania.¹ All told, there may be as many as 500 juvenile lifers who will be released in Pennsylvania, the highest number in the country. Under the current law, we are on parole for the rest of our lives.

Because of our criminal records, we are permanently barred from many employment opportunities for which we might otherwise be well-suited. For example, many of us are permanently barred from working in public or private schools.² But, the fact is that many returning citizens are uniquely qualified to speak to at-risk youth about our personal experiences and how our poor decisions led us to prison. Nevertheless, we are permanently prohibited from working in schools, both public and private. There are 15 categories of employment that include this bar, including nursing homes and jobs as port workers.³ In addition, there are over 40 occupational licensing restrictions that may bar us temporarily or permanently from other areas of suitable work, such as hazmat truck driving and taxi driving.⁴ The wide-ranging scope of these restrictions spill over into other areas. Two specific examples I would like to cite here are:

¹ See <https://www.cor.pa.gov/About%20Us/Initiatives/Pages/Juvenile-Lifers-Information.aspx>

² Public School Code, 24 P.S. § 1-111(e)(these rules also apply to school bus drivers and student teachers); CPSL, 23 Pa. C.S. § 6344(c).

³ For a comprehensive list of employment prohibitions and licensing restrictions, see <https://clsphila.org/sites/default/files/issues/Legal%20Remedies%20and%20Limitations%20on%20the%20Employment%20of%20People%20with%20Criminal%20Records%20in%20Pennsylvania-%20May%202016.pdf>

⁴ *Id.*



YOUTH SENTENCING & REENTRY PROJECT

- Norman, who is a juvenile lifer and was fortunate to obtain employment working with a youth program. He loved his job. From all accounts, he was doing a wonderful job working with the youth, but he was subsequently informed that he had to be let go because of his criminal background.
- Another example is the barbering trade, which is a skill many returning citizens develop while they are incarcerated. However, Pennsylvania laws prohibit individuals convicted of certain crimes from cutting hair.

These are just a few examples of government hindering returning citizens from successfully reintegrating back in the community, particularly in terms of access to meaningful employment. We urge the legislature to review the wide range of categorical employment restrictions to bring them into line with what we now understand to be the minimal risks and tremendous benefits of employing returning citizens. Thank you again for the opportunity to share my perspective with you this evening. I now turn it over to my colleague Cameron Holmes.



**Testimony for "Life Beyond the Bars"
Public Hearing on Reentry Initiatives**

***Submitted by Cameron Holmes, Reentry Supervisor
Youth Sentencing & Reentry Project (YSRP)
April 23, 2019***

Amending Restrictions Relating to Long Term/Lifetime Parole

My name is Cameron Holmes. I am (also) here on behalf of the Youth Sentencing & Reentry Project where I am the Reentry Supervisor. In that role, I work with returning Juvenile Lifers as well as youth, most of whom are returning home from a period of incarceration or juvenile placement, and are under continuing supervision.

I have been working in the field of reentry for over 10 years and have seen a lot of people face the challenges of reentry. I am also a returning citizen who served over 22 years in state prison. I can remember very clearly when I first came home and was having difficulty finding a job. In particular I recall going to a welding shop to try to get a job and the employer telling me that he wanted to hire me but was concerned about parole restrictions regarding when or where I could be or who or what I could be around at any given time. Those concerns discouraged him from hiring me. And also discouraged me from being optimistic about my future.

Today, I would like to discuss long term and lifetime parole and some of the common parole conditions that appear to me to be more of a burden than a benefit, and to be worthy of some reconsideration.

The parole restrictions I would like to address are:

- Travel restrictions
- Restrictions regarding being around other parolees
- Parole supervision fees
- Length of parole

Travel Restrictions, including geographic restrictions, prohibit parolees from entering other states, large areas of the city or sometimes entire counties.

- Employment today often requires intra and interstate travel.
- Reentrant stability is impacted when they are unable to move throughout the city.

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- Expanding the pathway to administrative parole⁶ and/or defining a path to termination of parole altogether after a certain period of successful years.
 - Modifying parole supervision fee legislation to provide a lifetime cap on fees, or by providing a gradual path to eliminating fees for those who have very long parole sentences and have done well over time.

⁶ [61 Pa. C. S. §6137\(c\)](#).

Philadelphia OIC/ SOAR Re-Entry Program

Tuesday, April 23, 2019

Testimony Supporting the Need for Re-Entry Initiatives

*Pennsylvania Legislative Black Caucus/The Pennsylvania House
Democratic Policy Committee*



Good evening, my name is Abdur Scott, and I am a proud Case Manager for Philadelphia OIC. I wanted to extend sincere gratitude to the Pennsylvania Legislative Black Caucus under the leadership of Chairman Stephen Kinsey, as well as the all of the members of the Democratic Policy Committee under the leadership of Chairman Sturla for the opportunity to speak here today on a what I would consider to be a “Life Changing” organization that I have been so excited to be a part of. The Philadelphia Opportunities Industrialization Center, Inc.—or OIC—works to open opportunities for all members of the community. We do this through helping people gain access to basic education and training that they need to start and advance in their careers.

Fifty years ago, the civil rights movement was well underway and minority youth were expressing their anger—sometimes violently—over the lack of employment opportunity. A man named Leon H. Sullivan, pastor of Zion Baptist Church, sought to douse the flames of anger and despair with a message of hope and opportunity. The Reverend Sullivan decided someone needed to act, and began soliciting local companies to provide jobs for the jobless. When rebuffed, he mobilized an army of nearly 400 clergy from across the region who, every Sunday, encouraged their congregations to boycott any and all companies refusing to do their part in providing fair opportunities to minority youth.

The Reverend Sullivan was guided by the belief that it was not enough to fight for the right of everyone to sit at the same restaurant counter, or even to work at the same restaurant, but that everyone should be able to realistically aspire to own the restaurant.

With this idea in mind, the first OIC, or Opportunities Industrialization Center, was opened at 19th & Oxford Streets in North Central Philadelphia, in an old jail building. Using what was known as the "10-36" plan—where people were asked to contribute \$10 per month for 36 months, the Reverend Sullivan was able to support the development of major economic development projects throughout the city.

Our mission is to assist the unemployed, the underemployed, the homeless, and disadvantaged youth and adults to achieve self-sufficiency and empowerment; primarily through education, training, job placement, and through supportive human services, housing and economic development. Although Philadelphia OIC has been offering free vocational training programs to the community since 1964, it was not until 2017 when we received our first grant to begin re-entry specific programming for young adults (18-24 years old) who have been involved in the criminal justice system at some point in their lives. With the addition of another grant in 2018, we have expanded our program and the SOAR program is now open to individuals ages 25 and older who have been released from prison within the last 6 months and/or currently under supervision. (ie...Probation, Parole, House Arrest). Since its inception at Philadelphia OIC, the SOAR program has served over 300 people. I am happy to report that in the last year, all of those 300 people have been active in our programming and receiving services from Philadelphia OIC.

In 2017, according to the American Community Survey (ACS) there were over 1.5 million people living in the county of Philadelphia. Of those 1.5 million people close to 400,000 of those people were living below the poverty line. That is roughly 25.3% of the population. The crime statistics in Philadelphia County are equally as shocking.

According to the Philadelphia Police department in 2018 there were 14,273 violent offenses and 49,389 property offenses in the County of Philadelphia. Research compiled by the Lenfest North Philadelphia Workforce Initiative (LNPWI) provides us with a specific picture of the area that Philadelphia OIC serves. LNPWI has compiled data from 8 specific zip codes in North Philadelphia. In these areas the unemployment rate is 43%, the median household income is \$25,000, and an estimated 23,200 people have returned from the county jails alone in the last 6 years. Estimates believe that these areas are home to at least 26% of the total returning citizens in all of Philadelphia. With all these statistics taken into account, it is clear there is a need for workforce development programming with the reentry population in this area.

While engaged in our enrollment process, the SOAR program implements two evidence-based approaches to working with participants with criminal records. The first is the Alliance for Quality Career Pathways Framework (AQCP). AQCP facilitates our approach to creating career pathways for our participants. The second is the Integrated Risk and Employment Strategies (IRES) model. IRES facilitates the use of an individualized case plan for each participant that integrates the criminogenic risk/needs identified by the LS/CMI and workforce readiness factors identified by other assessments. These models together allow us to take an employer based approach to supporting, training and matching participants with career idea pathways. Our goal is to facilitate sustained employment for our participants while promoting community economic stimulation and safety through employment and reduced recidivism rates.

Once accepted into the program, Philadelphia OIC offers a plethora of options for adults who need to obtain their High School Diploma or Equivalency if they have not

done so already. The first is our Workforce Academy (WFA). WFA is a tuition-free accelerated high school, college and career readiness program for young adults (16 to 21 years old) who are over aged and under credited. The second is our HiSet preparation course which prepares students to take the HiSet High School Equivalency test in approximately 10 weeks. The final option that is offered exclusively through the SOAR program is the Penn Foster online High School Diploma Program. The duration of Penn Foster is largely dependent on the participants previously earned credits and pace of completion, but on average participants can complete within 3 months. If a participant already has their High School Diploma or GED, he/she can just choose a vocational program of interest. Our Training Programs are as follows: (Figure 1)

Vocational Training

Culinary	Philadelphia OIC: HTI, 16 weeks, internship, free
Front Office	Philadelphia OIC: HTI, 9 weeks, internship, free
Guest Room Attendant	Philadelphia OIC: HTI, 9 weeks, internship, free
Solar Energy Technology	Philadelphia OIC: 8-10 weeks, free
Construction	ECA, 8-10 weeks, free
Technical Trades	PTTI, 6 months, financial aid
Flagger, ServSafe, Etc.	SOAR, one day trainings, free

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Hospitality Training Institute (HTI)

Front Office Operations/Guest Services. Instruction focuses on all aspects of front office procedures including proper telephone techniques, hotel terminology, salesmanship,

accounting and handling customer complaints. Students who pass a final exam receive a certificate from the American Hotel and Lodging Educational Institute.

Room Attending/Housekeeping course provides technical skills training and hands on experience in hotel guest room cleaning, room inspection, cleaning chemicals and their use, team and guest relations. Students who pass a final exam receive a certificate from the American Hotel and Lodging Educational Institute.

Culinary Arts highlights food sanitation, cooking and baking, food purchasing, banquet and meal planning. The Culinary Arts curriculum covers the preparation and turnout of stocks, soups, sauces as well as the turnouts of meats, poultry and fish. Training also focuses on issues of portion control, food costing and control, and purchasing specification. Instruction takes place in a fully equipped commercial kitchen. Culinary arts students receive an opportunity to take the ServeSafe Certification exam at the end of the course.

Solar Energy Technology (SETT). Solar panel installation course that is approximately 10 weeks long. This course also has a drone component built into the curriculum and opens the door for a new wave of technology. This class teaches the basic handling and installation of Solar Panels on both commercial and residential houses.

Energy Coordinating Agency (ECA) allows us to provide an introductory carpentry course to participants. Participants spend 8 to 10 weeks on site at ECA gaining in-classroom and hands-on knowledge and experience. Graduates of the ECA program receive the following; Construction Safety-- OSHA 10 Construction, OSHA Fall Protection, EPA RRP Lead Safety Certification, Math Concepts for Construction and

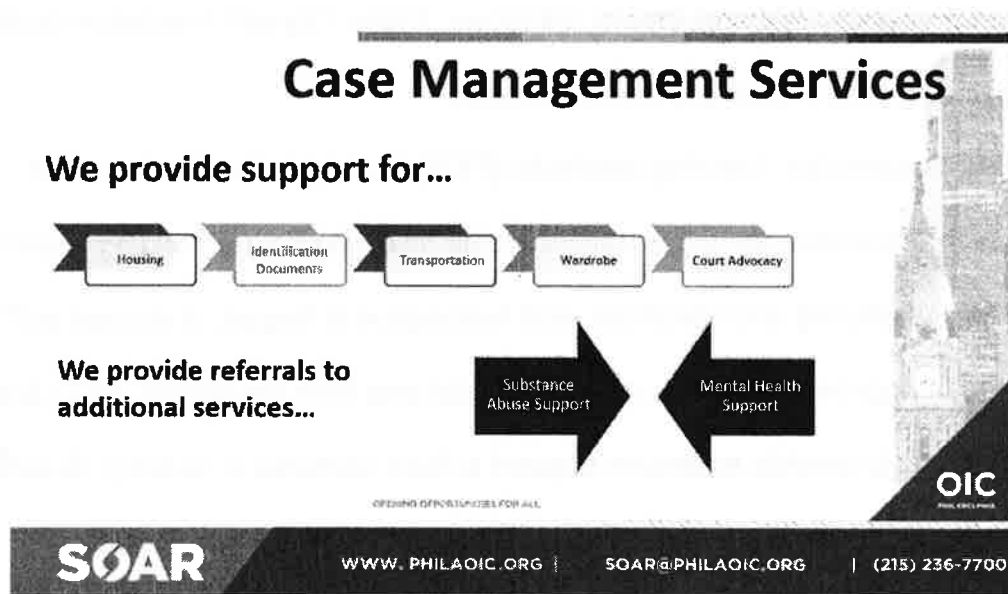
Basic Carpentry Skills- Framing, Doors, Windows, Stairs, Drywall, Insulation (both Fiberglass and Foam), Flooring & Roofing Repair.

Philadelphia Technician Training Institute (PTTI) is a school located in North Philadelphia that provides technical training in the following fields; Welding Technology, Advanced Manufacturing and Electrical, and Automotive & Repair. A student at PTTI can graduate in approximately 6 months with a diploma from the school. PTTI does not have the capacity to provide extensive support to their students in re-entry. SOAR has partnered with PTTI to provide qualifying students with extra support to facilitate success in their programs.

Workforce Solutions LLC provides a one-day hands-on flagger certification class to SOAR participants. Those who participate in the class learn why proper flagger operations are important, the standard skillset of a good flagger, how to apply standard flagger control references, how to identify proper flagging signals and procedures, and standard practices for various settings.

What makes SOAR so special? **It's all in the approach.** Our Case Managers are actively involved with participants from beginning of the program all the way through the end of the program. My job is to teach HOPE! There is a saying that goes, "The saddest thing in the world is wasted talent."..... well it's my job is to make sure a participant's talents are not wasted but identified, groomed and able to flourish. Our staff understands that it is important to meet individuals where they are; THEN build them up, as opposed to dictating exactly what people should or should not do when facing barriers as returning citizens. Case Mangers provide support in the following areas:

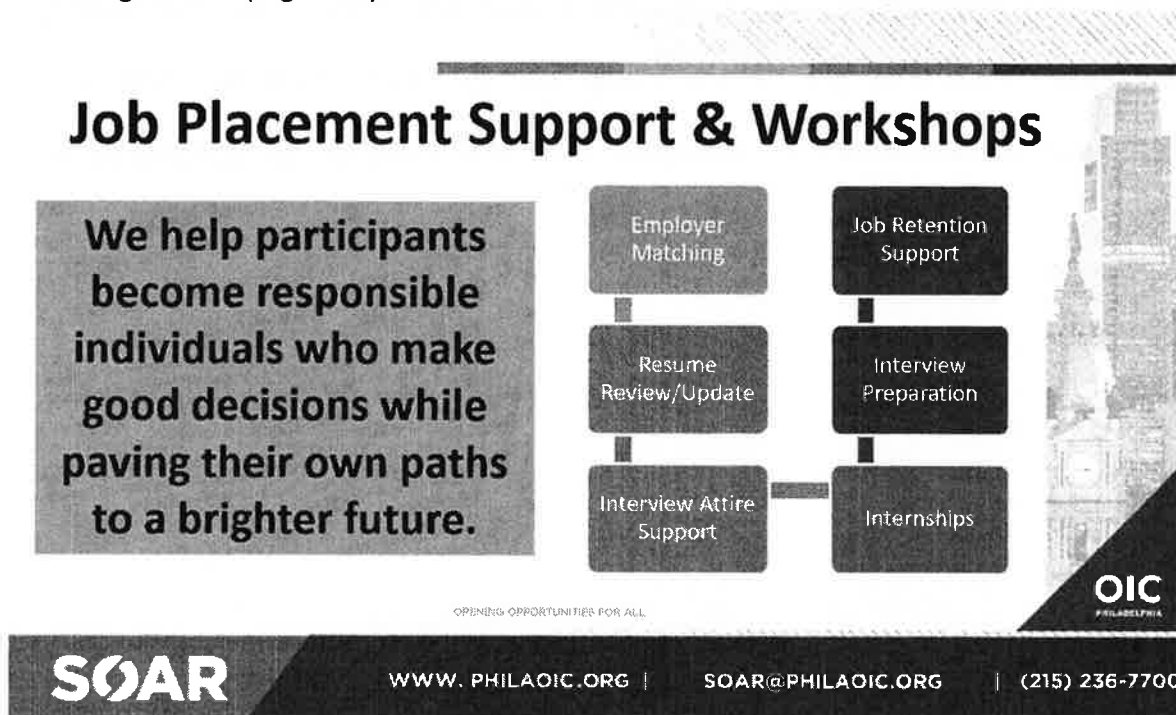
(Figure 2)



In the SOAR program at Philadelphia OIC, our relationships with partner organizations are essential to the work that we do. We have partnered with the following justice system players in order to receive referrals, provide services and guidance to our participants, and access to systems necessary to support our participants:

- Honorable Judge Stephanie Sawyer
- The Defender Association of Philadelphia
- Philadelphia County Adult Probation and Parole
- Philadelphia County Juvenile Probation
- PA Board of Probation and Parole
- The Reentry Coalition of Philadelphia

Once a participant has their High School Diploma/GED and a Vocational Trade Certification, he/she then meets with our employment specialist for support in the following areas: (Figure 3)



So far my program has placed about a quarter of our participants in new jobs and rising. Our average hourly wage is roughly \$13.79 per hour. (Not including individuals in coming in with jobs or High School participants) More importantly, these individuals can walk into an establishment with their heads held high because the program has given them access to education training and hope. I believe that workers rights are human rights, and that respect & dignity should go hand-in-hand in the workforce. I can say without question that we are doing our best!

In closing, the Reverend Sullivan—who marched with the likes of Dr. Martin Luther King Jr. believed that jobs were the key to the economic development and true empowerment. The creation of OIC was his response to the lack of employment

opportunities and job-training programs in the community. Now 50 years later, our mission is as vitally important as ever. Again, I want to thank you all for your willingness to learn about our organization and allowing me to shed light on the impact that re-entry programs have in today's society. With your help, we can continue to make a difference in our communities and continue Dr. Sullivan's vision of civil and economic rights for all. God Bless.

Resources & Reading List:

1. Stanford University Medical Center, <https://traumaandhealing.stanford.edu/trauma-experts-and-centers-nationwide>
2. Effects of Trauma, <https://www.newscientist.com/article/mg22429941-200-the-lifelong-cost-of-burying-our-traumatic-experiences/>
3. Philadelphia Crime Mapper, <https://www.phillypolice.com/crime-maps-stats/>
4. ACS (American Community Survey) Census, <https://www.census.gov/programs-surveys/acs/news/data-releases/2017/release.html>
5. *The Body Keeps the Score: Brain, Mind, and Body in the healing of Trauma*, Bessel van der Kolk, MD, Viking Press. 2014

*Special Public Hearing on Re-Entry Initiatives
The Pennsylvania Legislative Black Caucus/Democratic Policy Committee
Tuesday, April 23, 2019
6 p.m. – 8 p.m.*

Laurie Corbin, Managing Director for Community Engagement, PHMC

Thank you Representative Kinsey, the Policy Committee and The Pennsylvania Legislative Black Caucus for convening today's public hearing. This concerted effort to come together to better understand the importance of reentry initiatives continues to be a timely discussion.

My name is Laurie Corbin and I am the Managing Director for Community Engagement at Public Health Management Corporation (PHMC). I am pleased to be here today to offer some insight into some of the work we are doing to support successful reentry, naturally leading to reductions in recidivism. For those of you who do not know PHMC, we are a nonprofit health agency and have been serving the Greater Philadelphia region for nearly 50 years. Our mission is to create and sustain healthier communities through partnerships with government, foundations, businesses and community-based organizations.

We use best practices and evidence-based guidelines to address social determinants of health and improve the community's health through direct service, intermediary services, and research and evaluation.

Our forensic services initiatives enhance community safety by reducing criminal recidivism due to substance use and mental health issues through behavioral health treatment and related services under criminal justice supervision as an alternative to incarceration.

Research shows that adults ages 18 – 24 are the highest group of individuals susceptible to recidivism. Some of these individuals are leaving the system with little to no job experience. Some are struggling with a substance misuse problem. Some are in need of mental health services.

We know that young adults who participate in diversion programs will have more success in the community, will reduce their sentence time and are less likely to be a part of the high recidivism rates. PHMC's Forensic Intensive Recover – or FIR – program provides community-based behavioral health and case management services through early parole of the sentenced population in custody with the Philadelphia Department of Prisons. FIR is a collaborative program with representatives from the behavioral health, criminal justice and community based social service providers formulating program policy and procedures oversight.

The program has been in existence since 1993 and implemented in response to a federal consent decree to reduce the prison population. We provide the behavioral health and case management services for participants.

The more that the participants engage in treatment, the better their outcomes will be. During Fiscal Year 2018, 3,033 individuals received behavioral health screening and assessments. Of these, 1,768 were admitted to the FIR program and upon entry received the additional component of case management services. Nearly 80% were engaged in treatment and nearly half of those served had a primary diagnosis related to opioid use. Forty-four percent of those who are in the program for longer than 90 days are successfully discharged from treatment and/or probation stipulations.

This is where the continuing supports and reentry initiatives really come in to play, for both this population and for those who have been in the system even longer. Research, even from the late 90's demonstrated the positive impact the FIR program had on individual lives and community safety. Individuals who completed six months of substance use treatment through FIR were 66% less likely to be convicted of a new crime, compared to those who do not participate in FIR. Research that is more recent documents those individuals who entered the FIR program and received case management services did better than a comparable population who did not receive case management. FIR clients who complete the program are significantly less likely to be incarcerated than those who do not complete the program.

Young adults who are connected with the vocational resources and pathways towards obtainable careers will be primed for success. We are continuously looking for ways to connect individuals leaving the system with sustainable options that will support their needs in as members in the community.

Through programs like STRIVE (Successful Training Results in Valued Employment), which is offered through our Workforce Institute, participants receive work readiness training, job placement, and additional supports to help them gain and sustain employment. Again, with the support of a case manager, individuals are offered a variety of support services, including childcare and housing assistance, while they are enrolled. The actual curriculum delves into the root cause of a person's inability to obtain and keep a job, offering mentorship towards the attitudes and workplace behaviors they need to overcome employment obstacles and transform their lives.

Through a program that was developed specific for adults leaving the criminal justice system, STRIVE Fresh Start is our most comprehensive adult reentry project that incorporates evidence-based interventions such as Moral Recognition Therapy, Motivational Interviewing, legal services, occupational skills training, and transitional jobs into our proven employment model. These participants are equipped with the tools and resources needed to become productive, law-abiding community members – and are connected to the sustainably growing job industries and supportive services – including additional mental health, substance use and other needs treatment and programming.

Additionally we aim to make connections for these individuals to resources that support them in a variety of ways. PHMC has six Federally Qualified Health Centers throughout the city. These centers include primary care, family planning, immunizations, screenings, medical case management, and assistance with insurance. Our substance use treatment programs are also located throughout the city and offer individualized comprehensive approaches to treatment, including access to medication assisted treatments. Through programs that offer a range of Levels of Care, and unique programming for specific populations, our programs take a holistic approach to treating individuals with substance use disorder and specifically too, opioid use disorder. Our integrated health services, along with our health promotion services support individuals and their families in creating and sustaining healthy lifestyles through things like healthy diet, physical activity, tobacco prevention and cessation and positive sexual and reproductive health choices.

Our forensic services case managers often refer participants to our Focus on Fathers program which provides specialized parent support and education groups for men within community based correctional programs and in various community settings. Through the available relationship groups, individuals who are returning to the community and looking to reconnect with their children and other family members find the support they need.

Despite these promising offerings, we know that gaps exist. As we continue to look at this 18-24 year old population, many of these individuals are attempting to start their lives over, or perhaps 'for the first time' on their own. Perhaps they were living with mom or dad, or with a foster care family, and unfortunately too, oftentimes homeless; and now, as an adult, are expected to figure it all out on their own.

Increasing funds to support residency opportunities and funds for transportation would help these young adults tremendously. If they are leaving the system with nothing, how can we expect them to succeed? One thing that is helping is the new Philly Municipal ID program. These are a vital asset as they help individuals "apply for jobs; access city programs and services; and prove their identity to law enforcement officials within city limits. People with addictions can use the IDs to get medical assisted treatment. People who have just been released from prison and others looking for a step toward getting copies of their birth certificates or Social Security cards" are benefitting from this ID program.

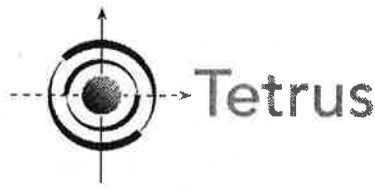
However, as of last week (April 11 news story in The Inquirer), the program is already maxed out on appointments available to obtain cards.

Beyond a basic ID, reentering society comes at a cost, which for most, is unobtainable, especially considering finding employment is one of the first steps that needs to be taken for these young adults.

Within *our* programs, we recognize that there are not enough funds to be able to offer stipends for participants. From the start, they need to be able to do things such as purchase a cell phone to make phone calls for interviews, to reconnect with family members; to afford bus tokens or taxi fare to travel for their interview; to open a bank account or make a security deposit on a place to live.

When we look at this issue from a larger perspective, it is easy to see that there is movement taking place to address recidivism and improve reentry. However, at a most basic level, there is so much opportunity to make small improvements to what is actually available for this population. It is important that we look at their needs from all angles and at the most basic level in order to do the most good; in order to see the greatest impact; we actually have to start small.

It is great to see so many familiar colleagues and friends here today – and so many community members interested in this topic. We work with and are proud to collaborate with the judiciary, Defender Association, District Attorney's Office, Philadelphia Department of Prisons and the Department of Behavioral Health and Intellectual DisAbilities, in order to support the transition for so many individuals from the system back into the community. If you're looking to connect a family member with these resources, I encourage you to speak to their lawyer, case manager, public health defender's office, etc. Chances are we are already connected to them, and through their services can accept referrals into our programs.



Solutions for a Safer Community

Good afternoon. My name is Sharad Rao, and I am the President of Tetrus, a company that leverages technology to support real-time interventions for building safer and healthier communities. Over the past 15 years, the breadth of Tetrus' experience has spanned collecting vast data, connecting disparate data sources, across multiple domains, including justice, homeland security, health, human services, and education, and creating real-time analysis platforms that serve to alert, prompt agency action, and save individuals from harm and negative outcomes. Tetrus has extensive experience implementing solutions at scale, and supporting technology for visible national projects, such as the National Electronic Interstate Compact Enterprise (NEICE), which enhanced the pace of foster care placements for children across state lines, a 40-to-60 percent reduction in typical processing time. In addition, Tetrus has experience in implementing data sharing exchanges between corrections facilities, health care institutions and social service providers.

I appreciate the opportunity to appear before this Committee today to discuss the serious and growing issue of reentry, both among adults and juveniles, and how the use of real-time intervention tools, based on indicators, can assist agency staff to provide timely and effective interventions, with the potential of reducing harm and avoiding negative consequences.

The dramatic growth of America's prison population is well-documented. According to the Pew Center for the States, annual state-level spending on state and local corrections activities is over \$52 billion. Statistics released by the Bureau of Justice, in 2018, estimated that a staggering *"68 percent of released prisoners were arrested within 3 years, 79 percent within 6 years, and 83 percent within 9 years. Collectively 82 percent of prisoners arrested during the 9-year period were arrested within the first 3 years."*

Re-incarceration imposes tremendous strain on the justice system, including the quality of life of the affected individuals and their families. One of the primary reasons for recidivism is that continuity of care is lost when an offender is released from incarceration. The same logic also holds true when focusing on offender diversions, which increasingly agencies across the country are focusing on since there is evidence that diversionary programs are more beneficial in achieving better outcomes than incarceration alternatives.

Currently, major data-sharing gaps and delays that exist between relevant agencies: the facilities where individuals are incarcerated and the web of service providers in the community. In many instances, there is limited information-sharing between the facility and the service providers. In most instances, there is extremely limited "real-time" information sharing, which may benefit service providers. This information may become available when the individual has been reincarcerated. This gap in the timing of information flow does not allow for a real-time intervention that could have helped to avoid this outcome. One such example is in one of the counties in Massachusetts, where real time information about an inmate that was released could have helped save the inmate's life.

Tetrus has created Real Time Intervention Platform (RTIP), a wholistic system that enables agencies to track continuity of care provided to individuals, alert agency personnel when an individual is at “risk” (based on a risk score above a pre-determined level), and allow agencies to respond in appropriate and timely ways. Agencies could include: Community Corrections (Parole and Probation), Health Care, Behavioral Health, or other organizations that are part of multi-disciplinary teams. A unique feature of RTIP is that it also enables friends and family to get involved, based on participant consent, as mentors and sources of support. This wholistic and interconnected approach allows the community to support transition, recognizing that individuals may face obstacles during the transition process and additional intervention may be necessary, even if the individual is not actively seeking assistance. This approach, without the benefit of intentional or systematic coordination, is being implemented in some jurisdictions across the country. RTIP brings various components together in a seamless fashion, and provides institutions, individuals, and support networks a platform to access information, resources, and overcome obstacles to transition.

Some RTIP features include:

- Enables information to be shared with medical, mental health, and social service providers
- Enables friends and family to help the inmate access resources and to track the inmate’s participation in various programs
- Enables parole and probation officers to track program participation
- Enables inmates to view and understand resources prior to release
- Strong consent management feature to enable the offender to opt out, or to provide consent for their information to be released to specific service providers
- Highly secure environment for protecting the privacy of individuals
- Simple apps to enable service providers to supply participation information, including attendance and program details.

The basic architecture of this platform was developed in conjunction with the U.S. Department of Justice, for supporting a reentry platform that prioritized information-sharing between prisons and service providers in a Massachusetts county. Additional features were added to this core platform, based on separate initiatives underway at different state and local agencies in the Midwest. This integrated platform is being implemented in a New Mexico county next month as a pilot.

In closing, I would like to reiterate that the concept of real-time intervention is extremely important to try to avoid negative outcomes and that technology can be meaningfully harnessed toward such an end. The Tetrus solution uses real-time indicators to flag critical points of intervention to reduce harm and prevent negative outcomes. This concept, we at Tetrus believe can lead to safer communities and enhanced public safety. I thank you for your time and look forward to answering any questions that you may have.



Action. Access. Progress.

**CLAUDIA DE PALMA, ESQ.'S TESTIMONY
BEFORE THE PENNSYLVANIA LEGISLATIVE BLACK CAUCUS AND THE
PENNSYLVANIA DEMOCRATIC POLICY COMMITTEE'S
PUBLIC HEARING ON RE-ENTRY INITIATIVES**

April 23, 2019

Good evening. My name is Claudia De Palma and I am an attorney at the Public Interest Law Center. The Public Interest Law Center uses high-impact legal strategies to advance the civil, social, and economic rights of communities in the Philadelphia region facing discrimination, inequality, and poverty. We use litigation, community education, advocacy, and organizing to secure people's access to fundamental resources and services.

In my practice, I advocate for job applicants who have been denied employment because of their criminal records. Employment is a critical gateway to economic stability, but Pennsylvanians with criminal records often face barriers to employment that mire them in a cycle of poverty and recidivism. I represent job seekers in litigation to contest unlawful employment denials, and conduct community outreach and education to make sure that individuals with criminal records know they have rights when they apply for jobs.

I'm here tonight to talk about one of the barriers to employment faced by job seekers with criminal records, employer bias, and to explain why increased efforts to ensure employers are aware of their legal obligations and educated about fair hiring practices are critical to ensuring that our returning citizens can succeed after incarceration.

Criminal background checks have become a ubiquitous part of the job application process. According to a 2012 survey, 86 percent of employers use background checks on at least some candidates.¹ Once an employer learns of a criminal history — even an arrest without a conviction — many just move on to other applicants. According to a 2002 survey, more than 60 percent of employers said they probably would not hire an applicant with any criminal background.² Another study found that having a criminal record reduces employer callback rates by 50

¹ Society for Human Resource Development, *Background Checking—The Use of Criminal Background Checks in Hiring Decisions*, Jul. 19, 2012, available at <https://www.shrm.org/hr-today/trends-and-forecasting/research-and-surveys/Pages/criminalbackgroundcheck.aspx>.

² See, e.g., H. Holzer et al., "Will Employers Hire Ex-Offenders? Employer Preferences, Background Checks, and Their Determinants," Institute for Research on Poverty, Discussion Paper No. 1243-02 at 9, available at <https://www.ssc.wisc.edu/irpweb/publications/dps/pdfs/dp124302.pdf>.

percent.³ Qualified applicants can find themselves excluded from job opportunities based on mistakes they made decades ago and for which they have already paid their debt to society.

Acting on this bias is often categorically illegal. Pennsylvania's Criminal History Record Information Act prohibits employers from considering arrests without convictions in the hiring process.⁴ Under this law, employers are only permitted to consider job-related convictions, and they are required to notify applicants who are denied because of their criminal history. And Philadelphia's Fair Chance Hiring Ordinance, also known as "Ban the Box," forbids employers from asking about a criminal record on applications or in interviews, and prohibits them from rejecting candidates on the basis of their record if they have not been convicted for the past seven years.⁵ Federal law provides additional protections for some job applicants. Under Title VII of the Civil Rights Act of 1964, employer policies that ban individuals with records from employment can constitute race discrimination where the policy disproportionately excludes minority applicants.⁶ The Fair Credit Reporting Act provides important protections for job applicants whose criminal background checks are issued by credit reporting agencies.⁷

But these protections are often blatantly violated by businesses that just aren't aware of their obligations: so one barrier faced by returning citizens is simply employers' ignorance of their anti-discrimination obligations. It is not uncommon to see wording in a job description or an offer letter requiring the applicant to have a "clean criminal record" — a violation of the law, because it automatically disqualifies people without the benefit of an individualized assessment. Employers also frequently fail to provide applicants with written notice of the basis for their job denial — even though this notice is an essential safeguard for ensuring that employers have complied with the law's limitations on how and when criminal record information can be used, and provides applicants with a critical opportunity to contest any errors and explain the circumstances behind their record.

That said, teaching employers the law and enforcing it consistently isn't enough. The legal protections I just described still leave employers a great deal of discretion, and employers often exercise this discretion without an informed understanding of how to accurately assess whether a criminal conviction affects an applicant's risk profile and whether there is an actual relationship between a conviction and a job requirement. Studies show that employers tend to overestimate the predictive link between an applicant's criminal history and ability to succeed in a job.⁸ But these assumptions simply are not evidence based. Both federal policy guidelines and longitudinal studies recognize that after six or seven years, there is little difference in the risk of re-arrest

³ See D. Pager, "The Mark of a Criminal Record," *American Journal of Sociology* 108 (5):937-975 (2003).

⁴ See 18 Pa.C.S. § 9125.

⁵ See Phila. Code § 9-3500 et seq.

⁶ U.S. Equal Emp't Opportunity Comm'n, 915.002, *Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964* (2012), available at https://www.eeoc.gov/laws/guidance/upload/arrest_conviction.pdf.

⁷ See 15 U.S.C. §§ 1681b(b)(2)(A)(i); 1681b(b)(3).

⁸ Executive Office of the President of the United States Council of Economic Advisers, "Economic Perspectives on Incarceration and the Criminal Justice System" (April 2016), https://obamawhitehouse.archives.gov/sites/default/files/page/files/20160423_cea_incarceration_criminal_justice.pdf at 9.

between former offenders and non-offenders.⁹ And the ACLU reported in 2017 that studies show employees with records stay at jobs longer and are more highly motivated to perform than employees without records.¹⁰

Employer bias hurts communities. 27 percent of returning citizens in the U.S. are unemployed: this unemployment rate, as one recent study remarked, is “substantially higher than even the worst years of the Great Depression.”¹¹ The economic impact of this unemployment is especially stark for black and Latino workers. African Americans are 5.9 times more likely to be incarcerated than whites, and Hispanics are 3.1 times more likely.¹²

Employer bias also hurts employers. The Economy League of Greater Philadelphia recently surveyed employers in North Philadelphia about the challenges they face in hiring the talent they need to make their businesses run. The preliminary findings of this research suggest that one of employers’ biggest concerns is that applicants don’t pass background checks.¹³ Well, 1 in 3 Americans have a criminal record, so it is easy to see how excluding applicants because they don’t have a “clean” record wipes out a significant portion of untapped talent – making it harder to run a business while doing nothing to improve its safety or efficacy.

Many legal efforts to protect job applicants with criminal records — including Clean Slate, Ban the Box, expungement, and pardons — aim to compel fair hiring by taking criminal history out of employers’ hands entirely. But employers will always have a lot of say over who they hire – and therefore wield a lot of power over the livelihoods of returning citizens. Ensuring that employers are provided with the training they need to follow the law, and the education they need to make evidence-based assessments of what a “good” job applicant really looks like, is critical to improving access to employment for returning citizens.

⁹ “Back to Business: How Hiring Formerly Incarcerated Job Seekers Benefits Your Company” (2017), https://www.aclu.org/sites/default/files/field_document/060917-trone-reportweb_0.pdf at 8-9.

¹⁰ See, e.g., Alfred Blumstein & Kiminori Nakamura, *Redemption in the Presence of Widespread Criminal Background Checks*, 47 CRIMINOLOGY 327 (2009); See, e.g., Equal Employment Opportunity Commission, *Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964*, 42 U.S.C. § 2000e et seq., Section II (Apr. 25, 2012); Megan C. Kurlychek et al., *Scarlet Letters and Recidivism: Does an Old Criminal Record Predict Future Offending?*, 5 CRIMINOLOGY & PUB. POL’Y 483 (2006).

¹¹ L. Couloute and D. Kopf, “Out of Prison & Out of Work: Unemployment among formerly incarcerated people,” Prison Policy Initiative (July 2018), available at <https://www.prisonpolicy.org/reports/outofwork.html>.

¹² U.S. Department of Justice Bureau of Justice Statistics Bulletin, “Prisoners in 2016,” Jan. 2018 (rev. Aug. 7, 2018), available at <https://www.bjs.gov/content/pub/pdf/p16.pdf>.

¹³ Economy League of Greater Philadelphia, Preliminary Findings, Lenfest North Philadelphia Workforce Initiative (Apr. 3, 2019), available at <https://templelnpwi.files.wordpress.com/2019/04/preliminary-findings-from-economy-league.pptx>.