

# **PRISONER RE-ENTRY**

Response to the Periodic Report of the United States to the United Nations Committee on the Elimination of Racial Discrimination

**February 2008**

# IMPACT OF REENTRY ON PRISONERS AND THEIR COMMUNITIES

## Introduction

Article 5 of the Convention prohibits racial discrimination in all its forms and guarantees the right to everyone, without distinction as to race, color or national or ethnic origin, to equality before the law. The U.S. government's discussion of its compliance with article 5 reports primarily on access to courts, discrimination by law enforcement, over representation of minorities in the criminal justice system and prison. However, the Report did not discuss the impact of racism on prisoners re-entering communities upon release.

Yet both federal and state policies have racially disparate impacts on prisoners of color when re-entering. At least 90 percent of the 650,000 prisoners incarcerated every year will eventually re-enter society. Two-thirds of people returning to their communities from prison are racial minorities, compared to one third of the general population.<sup>1</sup> Given the disproportionate numbers of re-entering prisoners who are people of color, existing government policies and private actions denying rights to benefits, housing, employment, and education have racially disparate impacts, in violation of articles 2 and 5 of the Convention.

As noted in the Reports of the Working Groups on Juvenile Justice and Court Processing, disparities in the types of sentences imposed in the U.S. criminal justice system reflect clear racial biases. The Bureau of Justice Statistics reported that in 2005 55 % of adults on probation were white, whereas 45 % were racial minorities.<sup>2</sup> In contrast, 65.4 % of state and federal prisoners were racial minorities in 2005<sup>3</sup> This data strongly suggests a violation of article 5(a) of the Convention: clearly, whites and minorities are not being treated equally in our justice system. Whites are more often offered alternatives to incarceration or community supervision while African Americans and other minorities are sentenced to prison or jail.

Prisoners face many post-incarceration barriers, both legal and social, that hinder their successful reintegration to society. Legal barriers may include state and federal restrictions on former prisoners such as disenfranchisement and bars on receipt of federally subsidized housing, food stamps, social assistance, and federal student aid, as well as employment and jury duty. The overwhelming majority of state and federal prisoners are poor people of color. Their families and communities are already distressed by poverty, racism and exclusion, yet have no choice but to expend meager resources in an effort to support community members returning from prison. The resulting cycle of

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<sup>1</sup> Joan Petersilia, "From Cell to Society: Who is Returning Home?" in PRISONER REENTRY AND CRIME IN AMERICA. (Jeremy Travis C. Visher, eds. 2005)

<sup>2</sup> Lauren E. Glaze and Thomas P. Bonczar. Probation and Parole in the United States. Washington, DC: Bureau of Justice Statistics at <http://www.ojp.usdoj.gov/bjs/pub/pdf/ppus05.pdf>

<sup>3</sup>P.M. Harrison and A.J. Beck, Prisoners in 2005. Washington, DC: Bureau of Justice Statistics. At <http://www.ojp.usdoj.gov/bjs/pub/pdf/p05.pdf>

incarceration and release plagues poor minority communities and is nearly impossible to overcome.

Effective programming to facilitate reentry for prisoners should begin long before a person's release.<sup>4</sup> Unfortunately this is rarely the case, as funding for such programs is limited, prison environments are destructive, and the criminal justice system places little emphasis on reducing recidivism and helping released prisoners make a smooth transition back to society. As a result, most prisoners do not receive the treatment, education, or work programs necessary to ensure a successful release while in prison. In addition, post-release services designed to assist those reentering society in finding a place to live, securing employment, managing finances, or ensuring continuing medical, mental health or substance abuse treatment are severely lacking, and increasingly tied to restrictive eligibility requirements.

### **Community Supervision**

The term *supervision* refers to “structured monitoring and support by law enforcement following release from prison.”<sup>5</sup> Supervision generally takes place through a parole or probation department or some other form of community supervision.<sup>6</sup>

States' post-incarceration supervision policies vary dramatically, but generally impose some or all of the following requirements: a re-entering prisoner must observe a curfew, maintain or readily seek employment, submit to regular drug and alcohol testing, meet with a parole officer or other supervisor, attend mandated treatment programs and abide by restrictions on certain activities.<sup>7</sup> These requirements are designed to help the offender make a smooth transition to independently living in the community and impose sanctions for noncompliance. Unfortunately, parole and other supervision programs are under-funded and have been widely criticized for not providing necessary services, and serving primarily a surveillance rather than a rehabilitative function. In order to be effective in reducing criminal behavior and reintegrating the offender into society, supervision programs must provide an adequate amount of individualized, comprehensive treatment and programming coupled with surveillance.<sup>8</sup>

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<sup>4</sup> Reginald A. Wilkinson and Gregory A. Bucholtz, “Prison Reform Through Offender Reentry: A Partnership Between Courts and Corrections,” Unpublished Paper, submitted to Pace Law School, Symposium on Prison Reform Law, October 2003.

<sup>5</sup> A.M. Piehl, A.M., and S.F. LoBuglio, “Does Supervision Matter?” in PRISONER REENTRY AND CRIME IN AMERICA (Jeremy Travis C. Visher, eds. 2005).

<sup>6</sup> Parole is a type of correctional supervision imposed upon an individual being released from prison prior to the completion of his or her sentence. Violation of a condition of parole can expose the parolee to revocation proceeding with the possibility of being returned to prison to serve the balance of the original sentence. Probation is a supervision imposed upon a defendant by a judge in lieu of prison or jail time. Violation of a condition of probation places the defendant back before the sentencing judge for further proceedings. The defendant may be incarcerated or the court may continue the probation, either maintaining the same conditions or modifying them as the court sees fit.

<sup>7</sup> Piehl. and LoBuglio, *supra* note 3 at 106.

<sup>8</sup> ROBERT D. HASNER, SPECIAL NEEDS OFFENDERS IN THE COMMUNITY. (2007)

The effectiveness of parole has been questioned time and time again, and it remains unclear how much and what types of supervision reduce criminal activity. This has undoubtedly contributed to many states abolishing parole. As a result, 20 percent of released prisoners have *no* supervision or reporting requirements - or supportive services. In 1999, nearly one in five inmates “maxed out” their sentences, leaving prison without any subsequent parole supervision or reporting requirements, and without any structured state programs to assist them in facing the challenges of reintegrating into society.<sup>9</sup>

## **Poverty**

Many re-entering prisoners have come from and return to impoverished communities. Historically, African Americans captured, enslaved, and forced to come to America have been denied full participation in American society . As discussed in greater detail in the Reports of the Working Groups on Structural Racism and Labor and Employment, one of the many vestiges of two hundred years of slavery and an additional one hundred years of apartheid-like forced segregation in the U.S. is the persistent disproportionate prevalence of poverty among African Americans compared to whites. For decades, African Americans have “lived on the margins of the larger society, outside the mainstream economy and outside the law.”<sup>10</sup> This is largely due to the fact that post-emancipation integration plans, much like reentry programs today, were not fully executed.

Clearly, assistance provided to African Americans reentering society in the past (such as the “40 acres and a mule” promised, but rarely delivered, to released slaves) and today (surveillance, not services, for released offenders) is more rhetorical than reality. The predictable results are high rates of street crime, coupled with high rates of imprisonment for African American men and women. High rates of community incarceration inevitably bring about increased social isolation and more crime, leading to yet more incarceration.<sup>11</sup> The cycle continues, inevitably creating a permanent underclass of African Americans. While African Americans are the largest minority group impacted by the history of racism in the US, Latino/as and Native Americans also suffer from poverty as a result of policies influenced by racism. The impact on Native Americans is particularly devastating due to their small percentage in the population.

## **Public Assistance**

The Convention guarantees the right to social services, housing, and employment without racial discrimination in purpose *or effect*. In 1996, President Bill Clinton signed the Welfare Reform Act into law. Section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act (“PWRORA”) permanently denied welfare benefits and food assistance provided through the federally funded program Temporary Assistance to Needy Families (TANF) to anyone convicted of a drug offense. This provision applies

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<sup>9</sup>Id..

<sup>10</sup> Johnson, R., p. 5

<sup>11</sup> Id.

*only* to those convicted of a drug offense, and does *not* apply to any who committed a property crime or violent offense.

As disproportionate numbers of women and minorities, and necessarily minority women, are incarcerated on drug charges than white men, this law disproportionately impacts women and minorities, in violation of the Convention. In 2003, it was estimated that 92,000 women were ineligible to receive welfare benefits due to this law, 48 percent of whom are African American or Latina. A study of those incarcerated in the Cook County, Illinois system found that prior to this law, nearly 60 percent of women had received food stamps at least once, and 47 percent had received TAFT/welfare assistance,<sup>12</sup> thereby clearly demonstrating the devastating impact that a ban on receipt of such assistance up on return to the community after incarceration will have.

The federal government has also passed numerous laws that exclude or restrict access to public housing for individuals with criminal records. In 1996 the “One Strike Initiative” was enacted as part of the 1986 Anti-Drug Abuse Act, authorizing Public Housing Authorities (PHAs) to evict tenants for drug-related activity, regardless of whether the activity occurred on or off the premises of the public housing site. In addition, in 1996 the Housing Opportunity Program Extension Act gave PHAs the power to request criminal conviction information from law enforcement agencies in order to screen applicants for housing, or to use in eviction cases. This law also gave PHAs the power to deny public, Section 8, or any other type of federally subsidized housing anyone who has been involved in a drug-related or violent crime, even if the crime was committed 20 years ago.

These provisions, which have a disproportionate impact on people of color, who make up the majority of the population of people returning from prison, compound the racial discrimination and disparities in housing outlined in the Reports of the Working Groups on Housing Discrimination.

The provisions are particularly burdensome on the formerly incarcerated as they severely restrict housing options upon release and may eliminate natural sources of support from family members who reside in public housing. The families cannot jeopardize their own housing by extending shelter to their recently released family member and there may be few alternative housing options that are within the financial reach of the person returning. The plight is further compounded by the fact many shelters will not accept formerly incarcerated individuals, thus placing them at high risk of becoming homeless. In addition, failure to obtain stable housing may lead to a violation of the conditions of release or contribute to re-offending. The Anti-Drug Abuse law of 1986 should be amended to either eliminate the restrictions on housing for persons reentering form prison.

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<sup>12</sup> The Lifetime Ban on TANF Cash Assistance and Food Stamps for Individuals with Felony Drug Convictions at [http://www.hirenetwork.org/pdfs/01lift\\_ban\\_on\\_tanf.pdf](http://www.hirenetwork.org/pdfs/01lift_ban_on_tanf.pdf)

## Employment

Interviews of former prisoners indicate that they perceive finding a job and making enough money to support themselves upon return from prison to be one of the more critical components for a successful reentry.<sup>13</sup> A study of former prisoners in Cleveland, Ohio found many factors were related to success in obtaining employment upon release. Working within the first six months after release, and being required to maintain employment as a condition of supervision, along with close family relationships, earning a GED while in prison, and having a job while incarcerated, all positively influenced employment outcomes. Indeed, it is intuitive that employment and successful reentry are closely related. If an ex-offender does not have a job, he or she will not have a way to support themselves, and are more likely to become criminally involved.<sup>14</sup>

Post-incarceration employment barriers may be one of the biggest challenges that a former prisoner may face. Not only does the individual have a criminal record and a gap in his work history, but the majority of states have laws permitting employers to ask about, and consider, a past arrest when making hiring decisions, even if the arrest *did not lead to a conviction*. Furthermore, employers in most states have the legal authority to deny a job to or fire an employee who has a criminal record.<sup>15</sup> This is all the more troubling in light of the evidence that criminal behavior and employment are inversely related. In other words, a person is less likely to commit crime if he or she is employed. Yet studies have found that even when an ex-prisoner does find a job, his earnings are lower than before he entered prison and benefits are often non-existent.<sup>16</sup>

As noted in the Report of the Working Group on Labor and Employment, studies have shown that employers discriminate against African Americans and other people of color in general, and particularly against members of racial minorities who have a criminal history. For instance, one study found that having a “black sounding name” is an impediment to getting a job, even if the individual does not have a criminal record. Researchers from the University of Chicago and MIT took 500 real resumes from online job boards, evaluated them objectively for quality (in terms of education and experience), assigned each a traditionally white or black “sounding name,” and applied to 1,300 job ads posted in *The Boston Globe* and *Chicago Tribune*. Among resumes displaying equal job qualifications, white resumes received about one call-back per 10 submitted, whereas those with “black names” received only one in 15 call-backs.<sup>17</sup> A different study conducted examined whether a criminal record on a job application has different implications for white and black applicants. Researchers submitted job applications from African Americans and whites, and indicated a criminal history in half of the cases. Thirty-four percent of whites without a criminal record received a callback, compared to

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<sup>13</sup> Nancy G. La Vigne, Gillian L. Thomson. 2003. *Returning Home: A Portrait of Prisoner Reentry in Ohio*, The Urban Institute

<sup>14</sup> Id.

<sup>15</sup> Legal Action Center. “Employment.” *After Prison: Roadblocks to Reentry*, <http://www.lac.org/lac/main.php?view=law&subaction=4>

<sup>16</sup> PRISONER REENTRY AND CRIME IN AMERICA. 26 (Jeremy Travis and Christy Visher., eds. 2005).

<sup>17</sup> <http://www.city-data.com/forum/milwaukee/43451-racial-tensions-milwaukee-15.html>

14 percent of blacks. Similarly, 17 percent of whites with a record received callbacks, compared to five percent of blacks. These results are striking: whites with a criminal record were more likely to get a job call-back than African Americans without a criminal record.<sup>18</sup>

By allowing private and public actors to discriminate in employment based both on race and on a characteristic - the existence of a criminal conviction - which, as a result of systemic racism in law enforcement and the administration of justice, is disproportionately present among racial minorities in the U.S., the U.S government is failing in its obligations under article 5(e)(i) to ensure the right to work without racial discrimination in both the private and the public sector.

### **Community Effects of Incarceration: The impacts of removing and recycling**

Individuals are often removed from specific communities, incarcerated and then cycled back to the same or demographically similar communities. Some scholars have termed this process “reentry cycling,” and the impact it has on the community “coercive mobility.” In other words, the same poor, distressed communities of color are disproportionately affected by high rates of incarceration and, subsequently, reentry. This “intertwined process” “exacerbate[s] the effects of poverty, exclusion, and social alienation” on already struggling communities.<sup>19</sup>

For instance, a study of returning prisoners in Maryland found that approximately 60 percent of reentering prisoners return to Baltimore, and over one third of those return to only 6 out of 55 Baltimore communities. These are minority communities with above average rates of unemployment, and above average rates of female headed households, Women in these communities have lower incomes than similarly situated men. The combination of lower income and single income leads to higher percentages of families living below the poverty line.<sup>20</sup> Similarly, Brooklyn neighborhoods that are predominantly African American have an adult male incarceration of 12.4 per 1,000 residents; in contrast, neighborhoods that are mostly white have a rate of 2.7 per 1,000.

Traditional correctional theory posits that increased incarceration produces greater community safety. Yet recent studies question whether excessive levels of incarceration may carry its own risks to safety.<sup>21</sup> Research has shown that incarceration, and thus reentry, negatively affects community levels of collective efficacy, that it fosters withdrawal from community life, reduces participation in community institutions and

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<sup>18</sup> Devah Pager. The Mark of a Criminal Record. *AJS* Volume 108 Number 5 (March 2003): 937–75 at <http://www.northwestern.edu/ipr/publications/papers/2003/pagerajs.pdf>

<sup>19</sup> *Id.*

<sup>20</sup> Christy Visher, Nancy G. La Vigne and Jeremy Travis, *Returning Home: Understanding the Challenges of Prisoner Reentry*. Maryland Pilot Study: Findings from Baltimore. The Urban Institute; Washington, D.C. January 2004. at [www.urban.org/publications/410974.html](http://www.urban.org/publications/410974.html).

<sup>21</sup> Eric Lotke and Jason Ziedenberg, *Tipping Point: Maryland's Overuse of Incarceration, and The Impact on Community Safety*. (March 2005) p.3 [www.justicepolicy.org/images/upload/05-03\\_REP\\_MDTippingPoint\\_AC-MD.pdf](http://www.justicepolicy.org/images/upload/05-03_REP_MDTippingPoint_AC-MD.pdf)

voluntary associations, and decreases social networks.<sup>22</sup> Disproportionate incarceration of people of color removes entire segments of minority communities and “may reduce communities’ internal capacity to maintain normal relationships, sustain a vibrant economy, and keep crime low.”<sup>23</sup> Therefore, the relationship between incarceration and community safety is more complex than traditional correctional theory would indicate. In fact, some studies suggest “high levels of incarceration concentrated in impoverished communities have a destabilizing effect on community life, so that the most basic underpinnings of informal social control are damaged. This in turn, reproduces the very dynamics that sustain crime.”<sup>24</sup>

If a community believes the sociopolitical system addresses their needs, they will have more confidence in the legitimacy of the system. A crisis of confidence in the legitimacy of the criminal justice system is already prevalent among African American and some Latino communities because of their perception that they are not treated fairly within the system.<sup>25</sup> High levels of incarceration further compromise perceptions of the legitimacy of formal social controls. Research has shown that exposure to incarceration alters attitudes to formal and informal social control. For instance, among African Americans in Leon County, Florida, a community with high rates of incarceration, those exposed to prison, had a negative assessment of formal social control (the justice system) which led to a negative assessment of informal social control.<sup>26</sup> High rates of incarceration leading to residential instability can lead to “tipping points” beyond which communities can no longer influence residents' behavior.<sup>27</sup> When informal social controls break down, norms change, disorder increases, and crime and violence proliferate.<sup>28</sup> This change in normative values is already manifesting in black communities as, for large numbers of people in some communities, incarceration is becoming almost a normal experience.<sup>29</sup> As a result, the imposition of prison sentences is beginning to lose its deterrent effects and may in fact be significantly decreasing community safety.

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<sup>22</sup> Id.

<sup>23</sup> *Id.* at 14. Informal social control is made up of two components: parochial control (neighborhood level control by organizations and among friends and acquaintances) and private control (among family members). Informal social control, rather than formal social control (the justice system), is the principal mechanism by which communities are regulated. Dina R. Rose and Todd Clear, *Incarceration, Social Capital, and Crime: Implications for Social Disorganization Theory*, *Criminology* 36(3), 441-480

<sup>24</sup> Dina R. Rose and Todd Clear, *Incarceration, Social Capital, and Crime: Implications for Social Disorganization Theory*, *Criminology* 36(3), 441-480

<sup>25</sup> See e.g. Faynese Miller, *Race, Class, and Language Bias in the Criminal Justice System: Attitudes and Perceptions of Court Personnel, Court Users, and Community Members* 1-17 ( ) Report funded by the Rhode Island Bar Association and the Rhode Island Foundation studying attitudes towards treatment of minorities by judges, lawyers and court personnel. White respondents on the whole perceived little bias towards minorities from judges, lawyers or court personnel. Latinos did perceive moderate bias and Blacks perceived the most bias against minorities.

<sup>26</sup> Rose & Clear, *supra* note 49 at

<sup>27</sup> Petersilia., *When Prisoners Return to the Community: Political, Economic and Social Consequences*, *supra* note 40

<sup>28</sup> Id.

<sup>29</sup> Id.

## **Loss of community economic power**

Communities with high percentages of their population in prison or jail also lose economic, job, and development opportunities. In the end, the local community, state, and the entire country suffer the loss of tax revenue from the millions of incarcerated individuals. Additionally, communities lose state tax allocations based on population, as the United States Census counts incarcerated people where they are imprisoned, *not* in the community where they resided in when arrested and to which they are likely to return.<sup>30</sup>

When formerly incarcerated people re-enter these same communities, additional job and development opportunities are lost. When an area is known as one from which large numbers are removed through incarceration, the image of the community suffers, with negative impacts on business development and financial investment.<sup>31</sup> Neighborhoods suffer when established local businesses, retailers, financial institutions and large employers leave the area. Business will not expand into a community if they believe the overwhelming majority of the potential workforce has criminal records.

## **Impact of women in the community**

As discussed in the Report of the Working Group on Prisons, mass incarceration is increasingly directly affecting women of color, whose rate of incarceration is increasing at a faster pace than any other population group. It is also indirectly affecting women who remain in disproportionately affected communities of color. The primary effects can be divided into three areas: potential for increased levels of violence against women; increased stress on female caregivers in the community and disruption in the development of stable relationships.

Mass incarceration can increase levels of violence against women in communities by weakening informal social controls, as discussed above. Additionally, when previously incarcerated members of their communities, who have been exposed to high levels of violence in prisons, return to communities with few job opportunities, inadequate educational levels and a dearth of supportive services, including mental health and substance abuse treatment, high levels of stress and frustration among returnees may be vented upon family members.<sup>32</sup> While domestic violence occurs among all races and all economic strata, violence against women in communities absorbing disproportionate numbers of persons returning from prison has not been specifically measured.<sup>33</sup> Therefore, the extent to which the presence of large numbers of individuals returning from prisons increase levels of violence to women is not known.<sup>34</sup>

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<sup>30</sup> Prisoners of the Census, Prison Policy Initiative at <http://www.prisonersofthecensus.org/news/2005/12/08/financial-burden/>

<sup>31</sup> *Id.* at 5

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<sup>33</sup> Beth E. Ritchie, *The Social Impact of Mass Incarceration on Women* in *INVISIBLE PUNISHMENT : THE COLLATERAL CONSEQUENCES OF MASS IMPRISONMENT* 144 (Mark Mauer and Meda Chesney-Lind, eds. 2002).

<sup>34</sup> *Id.*

Women who remain in the community as caregivers are also placed under additional stress as a result of mass incarceration. They are already members of marginalized communities, with underdeveloped human capital and little social capital. Professor Beth Ritchie notes that “divestment of community-based services has meant that there are few supports for these gender-specific efforts and typically, women pick up the slack and must deal with the long term social and emotional consequences to their communities.”<sup>35</sup> Women are busy attempting to shelter their children from dangerous environments, trying to protect themselves from aggressive law enforcement practices, and keeping themselves out of the state’s child protective apparatus.<sup>36</sup> Mass incarceration contributes to the weakening of family unions as fewer and fewer adults are available to assume the caretaking responsibilities or to offer emotional and material support for women and their families.<sup>37</sup> At the same time, women carry the extra caretaker burden while often feeling compelled to conceal the fact that a family member is incarcerated so as to avoid the associated stigma. Their silence cuts them off from what little support may be available in the community.<sup>38</sup>

Finally, mass incarceration over the long term undermines family formation and promotes family dissolution.<sup>39</sup> As more and more men are removed from vulnerable communities aggravates a poor gender ratio within these targeted communities, thereby decreasing the number of eligible mates available to heterosexual women as potential mates. In neighborhoods where incarceration and reentry have hit hardest, the gender imbalance is apparent.<sup>40</sup> Gender imbalance puts pressure on women to lower their standards for acceptable partners and to tolerate men with multiple partners. When large numbers of young men cycle in and out of the criminal justice system it leads to an increase in the number of female-headed households and narrowed roles for fathers in the lives of their children and men in the lives of women and families in general.<sup>41</sup> The gender imbalance translates into large numbers of fatherless families in communities with high rates of incarceration.<sup>42</sup>

## **Reentry and community health**

Formerly incarcerated people are also returning to communities of color with greater health needs. As noted in the Reports of the Working Groups on Prisons and Health Disparities, the rate of HIV/AIDS and other infectious diseases such as

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<sup>35</sup> *Id.* at 146.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.* at 147.

<sup>38</sup> Donald Braman, *Families and Incarceration* in INVISIBLE PUNISHMENT: THE COLLATERAL CONSEQUENCES OF MASS IMPRISONMENT 134 (Mark Mauer and Meda Chesney-Lind, eds. 2002).

<sup>39</sup> *Id.* at 122.

<sup>40</sup> Braman studied the gender ration in Washington, DC and found that the gender ratio in areas of low incarceration was 94 males to every 100 females. In the areas with the highest levels of incarceration there were fewer than 62 males per 100 females. See also Jeremy Travis, *Families and Children*, 69 JUN Fed. Probation 31 (June 2005).

<sup>41</sup> *Id.*

<sup>42</sup> *Id.* at 32.

tuberculosis among incarcerated individuals and therefore re-entering individuals in communities of color is high. Lack of access to health care, mental health services, and substance abuse treatment places the entire community at risk for the transmission of diseases fostered and transmitted in overcrowded and medically underserved prisons.

## **Conclusion**

Research has shown that the majority of prisoners desire to live a law-abiding life and positive relationships after release. It has been hypothesized that if these expectations are not met then a “downward spiral of relapse and recidivism could ensue.”<sup>43</sup> As discussed above, the U.S. Government's reentry policies, or lack thereof, set the stage for recidivism long before actual release into the community. Successful reentry depends on a combination of factors – factors that have been shaped by official policies which either promote or undermine basic human rights of formerly incarcerated people. Unfortunately, policies banning certain individuals with criminal convictions from public assistance and college grants, and making employment discrimination for ex-prisoners legal not only deny internationally guaranteed human rights, but also have a disproportionate impact on people of color, in violation of the U.S. government's obligations under the Convention .

In order to meet its obligations under article 2 of the convention, the United States should adopt policies facilitating and expanding re-entry services such as in-prison counseling, substance abuse, mental and physical health treatment, education, and vocation/job training programs to better facilitate transition from prison to the community. Additionally, official policies, such as those allowing employment discrimination against individuals with criminal convictions and those banning individuals with certain convictions from accessing public housing and public assistance should be repealed. Unless we begin to seriously and adequately address the multiple needs of offenders while they are in prison *and* once they return home, the cycle of poverty, criminality and incarceration will continue to live on and devastate thousands of minority communities, families and individuals nationwide.

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<sup>43</sup> Vischer, La Vigne, & Travis, supra note 46.

## **Recommendations**

- 1) The Anti-Drug Abuse law of 1986 should be amended to either eliminate the restrictions on housing for persons reentering from prison.
- 2) In order to comply with its obligations under the Convention, the United States should repeal the Higher Education Act provisions which have the racially discriminatory effect of disproportionately denying people of color access to higher education.
- 3) The Federal government should encourage all states to adopt legislation banning the release of records of arrest without conviction to potential employers..
- 4) All felony disenfranchisement laws should be repealed or modified so that ex-offenders have an opportunity to regain the right to participate in the civic process.
- 5) The U.S. government should provide and encourage all states to provide educational development to all prisoners. The U.S. government should encourage states to eliminate restrictions on licenses which the formerly incarcerated can hold.
- 6) The U.S. government should cease housing inmates at great distances from their families. The government should encourage states to provide incentives to help and encourage inmates to maintain relationships with family, friends, and significant others, as these people play a large role in the successful reentry of an
- 7) The U.S. government should amend the Adoption and Safe Families Act to provide opportunities for inmates to maintain parental rights even if they are incarcerated.
- 8) Both state and the Federal government must provide transitional services to those re-entering, particularly in minority communities that are hardest hit by governmental criminal justice policies.
- 9) The U.S. government should encourage and require states to provide mental health and medical services to persons re-entering.