

The Role of Community Development in Supporting People in Reentry from Prison

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In 2011 with the passage of AB 109, a.k.a. The Public Safety Realignment Act of 2011, California embarked on one of the greatest experiments in the nation. With state prisons filled at approximately 200 percent capacity, and under federal court order to reduce to 137.5 percent capacity, this realignment effort called for the reduction of overcrowding of state prisons by committing people convicted of lower level offenses to local county jails instead of state prisons, and shifting greater control and responsibilities of incarceration and community supervision to local county governments. The public safety system's reaction to this new law provided an opportunity to understand and determine how to best serve people convicted of lower-level offenses—would we re-incarcerate them in local jails or allow them back in the community to rebuild their lives?

This article will discuss some of the lessons learned and progress made now six full years into implementation AB 109. It will also shed light on the role that community development can play not just in California, but also nationally to choose to support people in rebuilding lives disrupted by incarceration through investment in reentry.

The Three Legged Stool of Investment in Reducing Mass Incarceration: Preventative, Restorative and Constructive

A cross sector partnership between the public safety and community development sectors can have a positive effect on reducing recidivism. The United States has the highest rate of incarceration among developed countries. Over the 40 years between 1972 and 2012, the U.S. prison population grew over 700 percent from 175,000 state inmates to almost 1.4 million,¹ representing a cost of \$53.5 billion to state governments.² The emphasis on incarceration, which disproportionately affects communities of color and poor people, is a moral and economic crisis that needs to be addressed conscientiously.

A thoughtful coordination of investments that target restorative, constructive, and preventative interventions is critical to lowering overall incarceration rates in the U.S., as well as eliminating the disparate impact experienced in particular by socially marginalized and economically disadvantaged communities.

1 Bureau of Justice Statistics (BJS), Prisoners in 2011 (Washington, DC: BJS, 2012).

2 National Association of State Budget Officers (NASBO), State Expenditure Report 2010-12 (Washington, DC: NASBO, 2012), 52.

Preventative: Shifting Investments Upstream

Preventative investments can target early interventions to improve upstream outcomes like the likelihood of finishing high school. Poor academic performance and school disengagement are early indicators for youth who are at risk of engaging in anti-social behavior, and punitive school policies that similarly suffer from bias become pipelines for young people into the criminal justice system. However, preventative investments are not limited to K-12 education. Successful programs seek to engage not only the youth but also their families and the broader community in which they live. Improving academic performance, involving at-risk youth in pro-social activities, and connecting them with positive role models and mentors are proven strategies to redirect youth onto a positive track towards adulthood. Many community and faith-based programs demonstrate evidence of rehabilitating and motivating youth at the greatest risk of police contact. Reducing the number of youth in the juvenile justice system is less costly than incarcerating adults and creates healthier and more vibrant communities. Further, incarcerated youth are more likely to be later incarcerated as adults, compared to youth who commit crimes but are not detained.³

Youth programs such as Boys and Girls Clubs, Big Brothers Big Sisters, Conservation Corps, Youth Build, as well as neighborhood-based strategies that involve sports, arts, literacy, and job training, are just a few examples of programs that can generate a positive return on investment. Shawn Riggins, director of youth programs at Fresno EOC, noted that the cost of enrollment in a Youth Build or Conservation Corp program is about \$25K⁴ compared to over \$233K spent annually to detain a youth in Los Angeles County juvenile hall.⁵

Restorative: Investing in Rehabilitation

Restorative investments focus on rehabilitation while people are in custody. Although incarceration serves a community's goal of punishment and removing the person from the public sphere, incarceration alone fails to seize the opportunity to invest in people in order to increase their chances of success upon release and decrease recidivism in our communities. For example, diagnosing and stabilizing people with mental illness or addressing substance abuse issues can be more beneficial to public safety and individual health than incarceration alone. But if individuals who are incarcerated are to have a chance at successful reentry, investments must be made in education, vocational skills, cognitive thinking and effective reentry planning prior to release. In addition, the individual needs to be effectively linked to a continuation of services and resources once they return to the community. This is even more critical for individuals who are returning to communities that are the most economically vulnerable as a result of long term disinvestment, segregation and poverty.

3 Anna Aizer and Joseph Doyle, "What is the long term impact of incarcerating juveniles?" VoxEU, Center for Economic Policy Research.

4 Email correspondence with Shawn Riggins, March 2017.

5 Garrett Therolf, "L.A. County spends more than \$233,000 a year to hold each youth in juvenile lockup," *Los Angeles Times*, February 23, 2016.

This type of evidence-based restorative approach is used in Germany and the Netherlands and may be instructive for the United States' corrections system. These two European nations view incarceration as an opportunity for re-socialization and rehabilitation, favoring various forms of diversion over incarceration, shorter sentences that include vocational training and education, and very limited use of solitary confinement. Prison staff undergo extensive training of no less than two years to learn the skills that will reinforce an environment of rehabilitation. In 2013, an American delegation representing three states (CO, GA, PA) visited these countries to observe their facilities and practices and hopefully identify ideas for reform here.⁶ Although the United States is far from the scale and style of these European models, they demonstrate that restoration of mind and spirit portend better outcomes upon release.

In California, prior to 2011, this responsibility to restore adult offenders fell within the purview of the California Department of Corrections and Rehabilitation (CDCR). It is worth noting that the "R" is a more recent addition to the name of this state agency only since 2005. However, with the passage of AB109, responsibility is either shared or now rests with the 58 counties in California. The premise for this shift in responsibilities is that communities, if properly resourced, are better equipped to understand and address their own local issues and develop tailored strategies, thereby delivering better outcomes than one large statewide agency.

Constructive Investments for Long-Term Reintegration

Constructive investments fund resources and programs that facilitate successful reentry and form the foundation for long term reintegration following incarceration. This is also where the greatest opportunity exists for cross-sector collaboration between public safety and community development, given the expertise and infrastructure that exists within the community development field. Many community development nonprofits have numerous years of experience financing, developing, and managing housing and other facilities for low-income communities and can immediately deploy investments from public safety organizations.

The most important opportunity for constructive investments is housing. Many men and women leave incarceration without a stable housing arrangement. The reasons are numerous and complex but often hinge on two key challenges: a scarcity of affordable housing and discriminatory renting practices. Most cities already struggle to provide sufficient housing to existing residents and are often unequipped for the added challenges of housing people who are in reentry from incarceration.

It is our personal view that more of the money from state legislative fixes such as AB 109 and Prop 47 should be prioritized for housing programs and services that benefit the formerly incarcerated. Not with the goal of open-ended housing provision, but in conjunction with

6 Ram Subramanian and Alison Shames, "Sentencing and Prison Practices in Germany and the Netherlands: Implications for the United States," Vera Institute of Justice, October 2013.

other programs and services designed to increase the client's opportunity to become self-reliant and independent. Unfortunately, too many communities lack the capacity to develop such programs, and the partners and organizations available to manage these programs are very few and often unsophisticated. But it's a Catch-22; without funding, programs can't get started. Investment from state and local officials must lead in order to develop the provider capacity for housing development.

A study from Stanford Law School found that in fiscal year 2011-2012, California's counties spent an average of 23 percent of their AB109 realignment allocation on programs and services, and an average of 34.9 percent on Sheriff and Law Enforcement.⁷ One factor in this spending disparity was the uncertainty of the impacts of realignment on local public safety. Now, six years into realignment, counties have a better understanding of not only the impacts on crime rates, but also the needs of the formerly incarcerated as they attempt to re-enter their communities. As a result, counties are constantly assessing their local needs and adjusting resources accordingly. Alameda is the only county in California that has taken the bold step of allocating 50 percent of its AB 109 funding for community-based programs. This funding has provided critical support for the expansion of programs that are helping men and women get reestablished in communities and reconnected to family.

Funding for housing facilities and programs is not the only barrier for people in reentry, statutory rules and limited information are significant challenges that perplex housing seekers and providers alike. To address this very specialized issue, Root & Rebound (R&R), based in Oakland, provides legal resources, tools, and education to people in reentry and preparing for release, as well as to the family members and loved ones, community-based service providers, supervision agencies, and other advocates who support them. R&R offers reentry support through three key programs: direct services (including the only reentry legal advice hotline in the country); public education;⁸ and systems and policy reform. Of the thousands of phone calls and letters received through R&R's direct service programs since 2014, approximately 38 percent have questions related to housing access, discriminatory landlords and tenancy policies, residency restrictions imposed on people on parole and people who have to register as sex offenders, and other housing issues. Clearly, the demand for affordable housing information, resources, and legal support for individuals with criminal records is an essential and grossly under-resourced issue in the reentry landscape. If stable housing isn't secured for people returning to their communities from prison and jail, obtaining employment, going back to school, and reunifying with family members can be difficult or impossible.

Steady employment is also critical to reentry success. In California, discretionary dollars could be invested in nonprofit social enterprises which often prioritize men and women

7 Joan Petersilia and Jeffrey Lin, "Follow the Money: How California Counties Are Spending Their Public Safety Realignment Funds, 2013." (Stanford Criminal Justice Center Report, Stanford, CA, 2013).

8 R&R's public education includes its flagship *Roadmap to Reentry* legal guide that teaches users how to navigate legal barriers to reentry across nine key areas of life including housing, employment, getting ID, family reunification, parole and probation, and more.

with a criminal record and limited skills, providing a credible reference and employment history. One such organization, Rubicon Programs based in Richmond, CA, provides pathways for people reentering the community to develop skills and move out of poverty. Their multi-pronged approach focuses on achievement in four areas: assets, income, wellness, and connections. Rubicon prepares and connects recently incarcerated men and women with transitional employment, on-the-job training, and other experiential opportunities that allow individuals to stabilize their lives by earning immediate income and acquiring professional experiences. The majority of the 350 clients that Rubicon serves annually are people who were formerly incarcerated. Once individuals achieve stable employment, Rubicon helps them work on other critical aspects of long-term mobility such as: identifying a career goal and the appropriate educational training to achieve it; addressing legal barriers to employment; improving physical and emotional health; and developing personal and professional networks to weave a safety net that can help in times of trouble. This kind of holistic engagement takes time—up to three years—and considerable resources. The return is well worth it, creating self-sufficient tax-paying income earners versus the cost of housing, health care, food, and other services that the government pays for incarceration.

On a national level, REDF is the only venture philanthropy in the U.S. that invests exclusively in the growth of social enterprises—double bottom-line businesses that provide jobs and support to people who want to work but face formidable barriers to employment. Since 2011, REDF has invested in the Center for Employment Opportunities (CEO) which provides comprehensive employment services to men and women with recent criminal convictions to help them regain the skills and confidence needed for successful transitions to stable, productive lives. In a random assignment evaluation conducted by the independent research firm MDRC, after three years of follow-up, CEO was shown to create statistically significant reductions in all measures of recidivism for individuals recently released from prison, including arrests, convictions, and incarceration.⁹ The findings showed a 20 percent reduction in reconvictions and returns to incarceration. In addition, the study also found that CEO created total taxpayer benefits of up to \$3.85 for every \$1.00 spent, primarily in the form of reduced criminal justice expenditures. REDF has actively partnered with CEO to expand into California, enabling them to provide hundreds of jobs for people coming out of the criminal justice system, demonstrating the scalability of social enterprise and the CEO model. Since joining REDF's portfolio in 2011, REDF's work and investment has helped CEO employ nearly 900 more people, and open up three additional offices. REDF continues to work with CEO to explore and develop new business and financing opportunities in California to further demonstrate the positive benefits and cost savings of social enterprise employment for people coming out of incarceration.

9 Cindy Redcross, Megan Millenky, Timothy Rudd, and Valerie Levshin, "More Than a Job: Final Results from the Evaluation of the Center for Employment Opportunities (CEO) Transitional Jobs Program." OPRE Report 2011-18. Washington, DC: Office of Planning, Research and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services.

But, the public and nonprofit sectors can't shoulder the entire burden. The private sector also has a role to play. Historically, the private sector has relied heavily on background checks which have a less favorable impact on individuals with a criminal record, especially because most background check companies are not mandated to update their databases when an individual has successfully cleared or expunged their record, and inaccuracies are plentiful. In many cases, otherwise qualified job candidates are unable to overcome the rejection of the background check. This inability to find stable employment increases the likelihood of returning to criminal activity. Without access to employment and opportunity, people and communities suffer.

If this nation is serious about lowering the rate of incarceration in America, we must strike a balance between the needs of employers and the needs of those with a criminal record. Employers should be able to appropriately disqualify job applicants with a criminal record that is relevant to the job for which they are applying; yet those with a criminal record must have a fair and equitable opportunity to obtain meaningful employment in order to support themselves and their families. Organizations like Rubicon, REDF and CEO can reinforce these efforts by supporting the development of soft skills such as teamwork, communication, conflict resolution, and problem solving that companies hope their employees will bring to the job. Additionally, Root & Rebound's recently launched Employers' Fair Change Hiring Initiative, which includes a toolkit for employers and supplemental in-person and online trainings, teaches potential employers and community members about the benefits of hiring people with records, as well as ways to protect themselves against negligent hiring lawsuits and Equal Employment Opportunity Commission's protections for people with records against discriminatory hiring practices.

Moving Forward, Making Progress

In an effort to highlight promising models and encourage investment of AB 109 dollars for restorative activities, the Federal Reserve Bank of San Francisco hosted the first state-wide cross-sector conference on reentry solutions in Sacramento in 2015, spearheaded by Lena Robinson, who was the Northern California Community Development Regional Manager at the time. This was followed by a larger second conference in 2016 which brought together almost 500 practitioners from across sectors. These two statewide conferences coincided with similar efforts of the Federal Interagency Reentry Council which was formed in 2011 under President Obama to assist those who return from prison and jail in becoming productive citizens. These examples of state and federal level coordination signal that efforts toward collaboration have already begun. They highlight the opportunity for every private employer, government agency and nonprofit organization to be deliberate about creating explicit policies for dealing with the formerly incarcerated. If not, unconscious stigma and unintentional bias will continue to unnecessarily marginalize this population. Many funders may be unaware of how many programs explicitly or circumstantially serve ex-offenders and how important their charitable contributions can be for enabling successful reintegration.

These types of programs could potentially be considered eligible to receive positive consideration under the Community Reinvestment Act given that formerly incarcerated clients are highly likely to be low-income. Robinson would like to see more explicit acknowledgement of ex-offenders as a target population for community development efforts, as she believes expanded CRA investments are critical for supporting individuals in successful reentry.

The Federal Home Loan Bank of San Francisco (FHLBSF), a government-sponsored enterprise, and co-sponsor of the California reentry conference, is a great example of how one agency is adapting programs to serve the formerly incarcerated. It expanded the definition of “Housing for the Homeless” for its very competitive Affordable Housing Program to include formerly incarcerated individuals, who could potentially be housed in these projects. Additionally, the FHLBSF has awarded AHEAD economic development grants to a number of programs targeting ex-offenders with various services. For example, Planting Justice, a nonprofit based in Oakland, CA, received an AHEAD grant to help train and hire formerly incarcerated individuals from nearby San Quentin prison into living wage jobs in a landscaping social enterprise. Another grantee, Asian Neighborhood Design, received an AHEAD grant to support a successful construction workforce training program for reentry populations in San Francisco, CA. Finally, the East Bay Community Law Center in Berkeley, CA was awarded an AHEAD grant to support the Clean Slate program, which provides direct legal assistance to the formerly incarcerated to help erase past records which can lead to better employment prospects.

The grand experiment kicked off by federally-mandated reduction of prison overcrowding, a.k.a. Realignment, remains a long way from fully embracing the restorative and constructive investments that would preclude additional investments in jails. Although the responses from counties may vary, the engagement of diverse organizations and individuals continues to expand and become better integrated. Organizations such as the California Reentry Council Network have emerged to break down silos and foster better coordination of local programs and resources that counties can turn to as community partners. Elevating the issue of reentry beyond the purview of parole and probation enables other sectors, agencies, and industries to engage in the systemic changes and broad investments that are necessary for a comprehensive reentry strategy.

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