HELPING PEOPLE TRANSITION FROM INCARCERATION TO SOCIETY DURING A PANDEMIC

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EXECUTIVE SUMMARY

The First 72+, a nonprofit in New Orleans that works with people reentering society after incarceration, keeps an office directly across from the New Orleans Parish Jail. This makes it easier for people who are released from jail to walk across the street and immediately receive a helping hand. But because of the coronavirus pandemic, all interactions must happen at least 6 feet apart. So, there’s a phone in a mailbox and a list of mentors to call. But the residents and mentors at First 72+ were insistent on one thing — those reentering society needed help now more than ever.

In the best of times, the reentry process is extraordinarily difficult and emotionally taxing. Returning people are rarely truly free, as they typically must navigate a long list of onerous rules. This may include electronic monitoring, housing restrictions, and curfews. They must also struggle against the sanctioned stigma of a criminal record, restricting education, employment, and housing opportunities. Since healthcare, substance use treatment, and other support services are utterly lacking behind bars, reentry is a time of extreme physical and mental health risk. This includes the odds of fatal overdose, which is up to 130 times more likely for those in the first two weeks post-release than in the general population.

But these are not normal times. The coronavirus pandemic is drastically compounding the challenges of reentry. With the economy in freefall, some requirements of supervised release—like obtaining housing and employment—are virtually unattainable. People reentering society are facing increased risk of homelessness, as halfway housing is unavailable and their own families may be reluctant to take them in if they come from facilities with COVID-19 infections. Increased reliance on communication over the phone and the web for health and other services make the digital divide among returning people literally a matter of life and death.

The bottom line is that systems designed to assist reentry—crude and insufficient as they were—are no match for these times. Prisons and jails must release more people to reduce the risk of infection behind bars, but this effort must be coupled with major scale-up in reentry services.

While policymakers are ignoring the needs of reentering people, polling suggests that the public overwhelmingly supports additional measures, including:

- 60% of all respondents, including 50% of those identifying as Republican, support supplying smart phones and phone plans for people reentering society.
- 66% of respondents, including 61% of those identifying as Republican, support a program that would help those reentering society obtain work, training and/or education to ensure they are able to provide for themselves.
- 53% of respondents support providing hotel rooms to allow individuals to self-isolate upon release if they have been exposed to coronavirus behind bars.
- 56% of respondents—including 51% who identify as Republican—agree that returning citizens should be provided 12 months of stable housing.
52% of respondents support the temporary repeal of criminal record bans for healthcare profession licensing for people otherwise qualified and not a risk.

As COVID-19 is devastating correctional institutions and their surrounding communities, decarceration measures are finally gathering momentum. Efforts to decarcerate must always include increased support for people through the reentry process. In the age of COVID-19, the health and human rights imperative for safe reentry has never been more urgent.

Reentry Before COVID

The best sources estimate that about 600,000 people leave federal and state prisons every year. That number doesn’t include those from the estimated 10 million people churning through local jail systems who return home annually from shorter stays, generally under a year. Whether they are reentering from a stay of a few days or several decades, individuals returning home face multiple challenges.

The reentry process has never been smooth or easy. In addition to acclimating to a different environment (as well as changing relationships with family and friends), release from jail and prison often involves a complex set of rules that individuals must negotiate in order to remain in the community. Onerous as they are numerous, parole and probation rules typically include things like work requirements, drug testing to show abstinence from drug use, periodic check-ins, electronic monitoring, and living restrictions. Plus, the penalty for failure to comply leads to more incarceration.

This struggle is compounded by the lack of resources to help returning people gain a viable foothold in society. These include the basic building blocks of a successful reentry, like housing, employment, health and substance use disorder (SUD) treatment services, and financial and social support. To make matters worse, there are numerous ways in which people with criminal records face routine and often legal discrimination. Only eight cities (and no states) protect the formerly incarcerated from housing discrimination. Employment discrimination for those with criminal records remains rampant and is often sanctioned by law.

Prisons and jails provide little in the way of effective health, SUD, and mental health services, which leaves many people’s health needs unmet. Many returning individuals will have lost access to health insurance coverage, as a matter of federal law. Those reentering society are often dealing with direct mental, emotional and physical health harms from their experiences behind bars. They may have post-traumatic stress and long-term health conditions that have gone untreated in addition to feelings of social alienation.

Challenges of reentry fall disproportionately on Black and Brown communities. People of color are more likely to be arrested and prosecuted, resulting in criminal records and potential incarceration. They also experience racism at every step as they navigate the challenges of returning to free society. In Chicago, focus groups with the formerly incarcerated feature again and again an awareness of how race is perceived in the context of housing and employment, particularly when that person is returning from a long person sentence.

As a result, the period of reentry from jail or prison puts already vulnerable people at high risk for health problems, mental health distress, poverty, and homelessness. People recently released from prison are 130 times more likely to die from an accidental overdose within the first two weeks of reentry. Those who have been
incarcerated are much more likely to be homeless than those who have not. According to one study, pre-coronavirus, the formerly incarcerated had an unemployment rate of 27%, compared to 5% for the general public.

Reentry During a Pandemic

Because the novel coronavirus spreads quickly in closed settings, local and federal leaders, advocates, community members, and law enforcement have called for the depopulation of correctional institutions to prevent the spread behind bars and to protect correctional staff and the broader community. Despite dire warnings by public health researchers and advocates, decarceration measures have been shockingly sluggish. This has already resulted in dramatic rates of infection both within and outside correctional facilities. Urgent decarceration is absolutely vital to slow the spread of the coronavirus everywhere.

But decarceration in a pandemic must occur in concert with a surge in reentry support because of the immediate health risks to individuals, their families, and their communities. Reentry often relies heavily on person-to-person contact as well as group settings and living situations. But traditional peer mentoring, group meetings, and communal living are not safe right now.

For example, many people are required to live in halfways houses or other dormitory-style residences as a condition of release. Such settings are highly vulnerable to infection spread; many have implemented strict quarantine rules, barring any new residents until they have gone through a 14-day quarantine elsewhere. Take Hope Village in Washington, D.C., a halfway house for 300 men transitioning out of federal prisons where the residents were not allowed to leave when the pandemic struck and say they lacked cleaning products and basic personal necessities.

In a pandemic, safe housing is a matter of life and death. Those leaving jails and prisons need stable and appropriate lodging to observe CDC guidelines for hygiene and social distancing. Providing reentry housing and other support to these individuals is a top public health imperative.

This is also a time of unprecedented levels of unemployment. Unemployment claims have risen to 30 millions filings since mid-March. Those reentering are typically barred from receiving cash assistance or unemployment, which means they rely on jobs to survive. Yet, a criminal record—particularly when coupled with a lack of housing and phone service—makes it hard to find work and, even when someone succeeds, there is no guarantee that the job will provide any stability. In such desperate situations, many people may be relegated to options with extreme levels of risk, including in the illicit economy.

There is also a significant shock to reentering a society that is unfamiliar. In addition to financial support, returning individuals need social support and mental and emotional stability, especially in a time when people cannot visit family or attend large gatherings. For those with histories of substance use disorder, this can be an additional stressor.

On top of existing barriers, people reentering society will be less able to reach medical providers or clinics because of social distancing. More prescribing and therapy sessions are happening online, not in person, which makes traditional person-to-person methods, like mentorship and support groups, unworkable. While those in the free world rely on computers and cell phones, those just reentering society, unable to even go to a public library to use a computer, lack the credit for a cell phone plan nor the means to get one since stores are closed.
RECOMMENDATIONS

As governmental and non-governmental agencies are being called upon to alleviate challenges for returning citizens, the pace of progress is glacial. The good news is that voters support a range of policies to help recently incarcerated people successfully reenter their communities, find employment and housing, stay healthy, and start the path toward long term stability. These recommendations are not just for the short-term, however; better reentry services will benefit all communities in the long run and should be considered as permanent solutions. Our polling shows support for the following strategies:

Provide a link to health and community services

The federal government could restore a simple Obama-era program that gave cell phones to those who can’t afford a phone line. The Lifeline program could also be expanded to include people released from jail or prison without a stable address or financial means, ensuring access to a stable phone number for communication with family and employers, given social distancing requirements, as well as a way to check in with parole or probation, register for benefits, contact social workers for assistance and schedule medical appointments.

Do you support or oppose supplying basic smart phones and phone plans for individuals released from prison so that they can apply for benefits, check-in with parole officers and probation appointments, and apply for jobs?

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DATA FOR PROGRESS
Provide Access to Critical Care

There have been policies put in place to check for coronavirus symptoms upon release. But, those leaving jail or prison generally have co-existing health conditions that make them vulnerable upon release. Because Medicaid expires during incarceration, they don’t have coverage upon release and need to re-enroll, particularly those who have pre-existing conditions and need a supply of medication. Research shows that ensuring the formerly incarcerated have Medicaid coverage after their release reduces their health risks and chances of returning to prison. Further, connecting people to health care services will reduce reliance on emergency medical services, which are overloaded during a pandemic.

For those who have substance use disorder, we must ensure access to medications and other treatment, and loosen drug regulations to account for the mandates of social distancing. Already, more places have agreed to provide naloxone upon release and the federal government has adjusted regulations on methadone programs to allow for 28-day take-home doses. Voters support these policies and want officials to take further action, including by expanding state Medicaid programs to include methadone treatment and making permanent the rule that allows people released from prison to have a month’s supply of medication.

56% of respondents support expanding state Medicaid programs to include methadone treatment for those who need it.

60% of respondents—including 55% of those identifying as Republicans—believe states should institute naloxone training.

59% of respondents—including 54% of Republicans—agree that SAMHSA should amend their rules to allow a 28-day supply of take-home methadone permanently.

Do you support or oppose states permanently providing recently released prisoners with a 28-day supply of medication used in an opioid treatment program upon release?

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Data for Progress
Generally, we must orient healthcare towards harm reduction. Recent reports show the majority of people support overdose prevention sites as an emergency response during the coronavirus crisis. Returning citizens need access to overdose prevention sites due to being at high risk of fatal overdose. There has never been one instance of a fatal overdose inside of an overdose prevention site. A harm reduction strategy would mean removing abstinence as a condition of release for probation and parole; therefore, removing these technical violations which lead so many back to jails and prisons.

Provide Stable Housing

The biggest concern for most people leaving prison and jail is housing. While some may be able to live with family—and this should be encouraged as far as practical—there are some who will not have housing available, especially people who have been in prison for long periods of time. It is imperative to create a prison-to-housing pipeline to keep returning people—and the host community—safe.

A program like the Rapid Re-housing Program would allow for returning citizens to receive housing vouchers and use them at any suitable available housing, limiting discrimination as to criminal record. In New York City, returning citizens who are symptomatic or have been exposed are screened for coronavirus and transported to a hotel. All clients receive cell phones to check in with parole officers and register for benefits. The federal government has also encouraged the use of emergency 1135 waivers, which allow states to use medicaid funds for housing and moving expenses.

Our polling shows bipartisan support for policies to provide stable housing:

Do you support or oppose the government paying for hotels to allow individuals who have tested positive or those who have been exposed to COVID-19 while in prison or jail to self-isolate for 14 days or until they test negative as a means of potentially slowing the epidemic?

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For many, discharge planning may include being released to a shelter. The Centers for Disease Control has provided guidance for shelters to decrease their capacity to allow participants to maintain social distance requirements. Our recent report shows overwhelming public support for purchasing vacant buildings and using other city property to temporarily house people during the COVID-19 crisis. The federal government has provided those funds through the Federal Emergency Management Agency (FEMA) to support non-congregate housing, like hotel rooms, for individuals at higher risk of harm due to COVID-19. To this date, several jurisdictions have already leveraged these funds to support returning citizens unable to self-isolate. Spaces to isolate become more important due to so many positive COVID cases that have already occurred behind bars and the possibility of the virus spreading in black and brown communities adding another layer of structural racism.

Empower People To Support Themselves If They Can

In addition to eliminating employment requirements for returning citizens, parole and probation should work with people to ensure that they are able to support themselves, register for food and housing benefits, and look for work without fear of discrimination.

66% of respondents, including 61% of those identifying as Republican, support a program that would help those reentering society obtain work, training and/or education to ensure they are able to support themselves.
A criminal record is a barrier for many people who want to return to work in the medical field. There is strong support for initiatives that would allow the former incarcerated to apply to work in medical and other licensed fields. Further, the small business loans approved by the current administration exclude those with criminal convictions; this impediment should be removed so those reentering society have an equal shot at maintaining a livelihood.

52% of respondents support the temporary repeal of criminal record bans for healthcare profession licensing for people otherwise qualified and not a risk.

Do you support or oppose changing licensing standards to allow previously incarcerated individuals to obtain certain licenses in the health care field if they are otherwise qualified and deemed not to be a risk?
CONCLUSION

People exiting prison and jail face many obstacles when they return to their communities and reintegrate into society. During the current coronavirus crisis, there is even more pressure on all levels of government to ensure that those leaving jail and prison are safe and healthy. This requires a panoply of services, from benefits to healthcare to housing, that are evidence-based methods to help people avoid returning to prison and remain healthy and safe. Many of these structures are already in place, but these times call for a more coordinated response and consistent funding.

It is important that people are released from prison and jail immediately to prevent the catastrophic spread of disease amongst those incarcerated, staff, and employees. While decarceration is necessary, it is not sufficient. People exiting incarceration must have access to services and support to help them succeed and remain healthy. The coronavirus pandemic and economic downturn have alerted community leaders, elected officials, and families to the need for better care and fewer obstacles. It is, after all, when reentering people succeed that we know society is taking care of the vulnerable among us.

METHODOLOGY

From April 25, 2020 to April 26th 2020, Data for Progress conducted a survey of 1741 likely voters nationally using web panel respondents. The sample was weighted to be representative of likely voters by age, gender, education, urbanicity, race, and voting history. The survey was conducted in English. The margin of error is ± 2.4 percent.