

ProjectNewOpportunity

TESTIMONY BEFORE THE
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY
COUNCIL OF THE DISTRICT OF COLUMBIA
COUNCILMEMBER CHARLES ALLEN, CHAIR
7 DECEMBER 2017

REGARDING BILL NUMBER B22-0268
RETURNING CITIZENS OPPORTUNITY TO SUCCEED AMENDMENT ACT OF 2017

Malcolm C. Young, Project Director
Norman Brown, Deputy Project Director
Project New Opportunity
Washington, D. C. 20005

Thank you, Chairman Allen and members of this Committee for the opportunity to appear today. We are: Malcolm C. Young, Project Director for Project New Opportunity; and, Norman O. Brown, Deputy Project Director, Project New Opportunity, here today to provide our observations about the proposed Returning Citizens Opportunity to Succeed Amendment Act of 2017.

Because we are a new organization, we have appended a brief description of Project New Opportunity and our personal backgrounds to this written statement. We have relevant experience on the subject matter of the proposed legislation. PNO is the only reentry organization that provides reentry services to individuals incarcerated in the BOP starting, whenever possible, months prior to their release, and continuing until they are settled in their community. We like the work that we do and we are pleased with the outcomes for our clients, citizens returning from the BOP.

- I -

Thank you for advancing this important, game-changing legislation. The Returning Citizens Opportunity to Succeed Amendment Act of 2017 has the potential to reorient reentry in the District of Columbia for individuals returning from the BOP, and to bring the District of Columbia to the forefront among cities and localities that seek to improve reentry from the federal prison system.

This bill would assist returning citizens in several ways: by making it easier for a returning citizen to apply for birth certificates and non-driver ID cards while still in the BOP; and, by providing returning citizens with a transit stipend. Each of these are important and PNO supports them.



As we see it, the first two provisions of the bill (Section 2 of the bill, adding new subparagraphs E-i and E-ii to the amended statute) are key, and it is to them we address our prepared statement.

Simply stated, these two provisions instruct MORCA to: 1) Find out and record the names of District residents who will be released from BOP; and 2) reach out to them individually six months in advance of their release with information including MORCA's contact information.

At PNO we have learned that reaching out individually to people who are incarcerated in the BOP six months before their transfer to a halfway house or home detention is key to a successful reentry. We know, too, that other organizations, such as Free Minds Book Club here in the District, attribute their success to starting to work with individuals in advance of their release from the BOP.

The two steps proposed in this bill go a long way toward addressing inherent deficiencies in reentry from the BOP:

1. BOP isn't doing advance, case-managed planning for reentry. The motto one hears from the BOP is, that "reentry begins on day one." But it doesn't. The six month start, which this bill would encourage, is a major improvement.
2. BOP offers some good reentry programming. But even the best of BOP's reentry programming is not location-specific. It can't be. Most BOP facilities house people from many locations around the country. It is impossible for any warden or reentry coordinator to know the ins and outs, the programs and the neighborhoods, varying employment opportunities or the labor market or housing situation in the numerous locations to which individuals from one facility will be released.

MORCA's staff, on the other hand, can have that information at its collective fingertips. A MORCA staff member or counselor can provide D. C.-specific information no matter where in the BOP's system the soon-to-be-returning citizen may be located.

3. BOP's release process can be unsettling. As returning citizens are transferred to an intermediate facility, or to a halfway house, they lose access to their email (Corrlinks), they don't yet have phones, and BOP won't even release the address of their halfway house. Hope Village, BOP's largest halfway house, is not supportive, provides little useful information, does little to interact with the community, and can be oppressive.

Our experience at PNO is that when individuals have been communicating with us over that six month period, they're more likely to keep in touch and stay on the program once they "surface" at the halfway house, or are released on home confinement. For some, our Reentry Consultants are the one constant they have. This bill gives MORCA the potential to be that constant, a reference point, for the person going through BOP's release process.

Enacting and implementing these two provisions in the bill would greatly improve upon what is now being done for the District's returning citizens. Free Minds Book Club and University Legal Services, working with people with mental health issues, do advance planning for their clients. Most individuals are assisted only by CSOSA. At this time, CSOSA attempts to present information to groups of returning citizens while in BOP facilities, often by videoconference, three months before their release to a halfway house or home detention. As we understand it, CSOSA doesn't have video conference arrangements with all prisons where District of Columbia prisoners are held. Usually, CSOSA's first individual contact occurs after the returning citizen is released to the halfway house and falls under CSOSA supervision.

- II -

PNO respectfully suggests some changes in the bill as drafted:

For Section 3 (E-i) "develop and maintain a database:" Change the "by" date from October 1, 2018 to "30 days after the effective date of this legislation" at which time MORCA should begin to enter names and local contact information into a simple database, drawing on all available sources including the CIC and MORCA, but also other agencies and private sources to construct a functional database. Remember that all one really needs is the name: the BOP's inmate locator will provide the inmate's location and release date. Entry onto a database gives immediate access to inmates by release date.

Some people have read the bill to require receipt of a list of individuals from the BOP. Our experience has been that it can be difficult to get a single list of categories of prisoners from the BOP or indeed any one source. But there's no reason MORCA can't start with what it can readily obtain.

We respectfully recommend the language in the bill be modified to clearly allow MORCA to obtain and enter into its database information from any available source including information provided by family, friends, and concerned public officials.

It might be prudent, as well, that the Mayor's Office, rather than a small sub-agency like MORCA, be assigned the task of requesting information about individuals serving time in the BOP from D. C. agencies, including Superior Court, if the information cannot be obtained directly from the BOP.

For Sec. 3 (E-ii), "contact each District of Columbia resident": We also believe there is no reason to delay the process of contacting D. C. residents beyond the one or two months that it might take to get a functional database in place and capable of recording and managing information that MORCA receives about the District's returning citizens.

We think the most important part of the communication to the returning citizen is MORCA's contact information. That information would include instructions on using Corrlinks, the BOP email system, and an invitation to contact MORCA for information or assistance, and to inform MORCA whether the returning citizen has support from family or friends. Based on the information provided by the returning citizen, MORCA can steer the individual toward the

resource or program that is going to be most important for that individual. At the least, MORCA can easily arrange appointment times to meet with individuals upon their release, prepared with information that the individual needs instead of a smorgasbord of information most of which may not be relevant.

Last, we want to point out that the process put in place by this legislation is eminently manageable. Understanding that the BOP releases between 1,500 and 2,000 District of Columbia residents annually, that comes down to sending a letter to an average of between 29 – 38 D. C. residents per week, or 6 – 8 individuals on the high side, each working day.

- III -

As to the other provisions in the bill, PNO offers the following observations:

- Birth certificates and social security cards – PNO’s experience has been that the BOP was doing a better job than in the past in helping incarcerated individuals obtain identification. The individual sometimes needs encouragement to take steps to obtain identification. The six month period of contact provided for in the bill provides time in which MORCA can provide that encouragement, ultimately saving MORCA time and expense.
- Transit stipend – Hope Village is supposed to provide bus or Metro passes when its residents are traveling to look for work. Hope Village reportedly rarely provides bus or Metro passes to residents. PNO suggests that the District should first demand that the BOP require that its contract halfway houses fulfil their obligation to issue passes to residents when needed, as an important part of the individual’s efforts to find employment and housing.

We will do our best to answer any questions you may have.

≈

ADDENDUM

About Project New Opportunity

PNO was developed by the Center for Community Alternatives and Malcolm C. Young, an attorney experienced in criminal justice sentencing and reentry programs and policies now serving as Project Director. PNO launched in Washington, D. C. in April 2016. Norman Brown, whose life sentence was commuted by President Barak Obama, is the Project's Deputy Director.

Project New Opportunity (<http://projectnewopportunity.org/about/>) serves individuals who because of clemency or changes in drug law sentences are leaving the BOP in advance of their original release dates. PNO focuses most of its work on three areas: the Northern District of Illinois (Chicago), the Eastern District of Pennsylvania (Philadelphia area); and the Eastern District of Virginia. Many of our Virginia clients were actually coming back to D. C. or Maryland, and they and others were released to Hope Village, so we were quickly involved in reentry in D. C.

PNO is a partnership of social workers, formerly incarcerated people, advocates, agencies and organizations committed to the successful return of previously incarcerated individuals. The heart of PNO's work is its team of Reentry Consultants who help each incarcerated person prepare as much in advance of release as possible to reunite with family, friends and community. Reentry Consultants connect people who are leaving prison with resources which can meet their needs and maximize their assets in the location in which they expect to live. PNO's services are intended to compliment reentry programming and assistance provided by the Bureau of Prison and Federal Probation.

PNO was launched in April 2016. To date it has served about 150 clients, about 80 of them from the Eastern District of Virginia and the D. C. area. PNO's clients include 56 clemency recipients and 67 individuals whose sentences were reduced by "Drugs Minus Two" sentence modifications. There is a wide age spread: the youngest client is 25 years old; the oldest almost 73. About half come to PNO without birth certificates; one third have no idea where they will live after their release. Eleven were veterans. Almost 42% of our PNO clients thought they had jobs lined up while 57% were unsure or did not have employment.

Project Director Malcolm C. Young
773-726-8123
myoung@communityalternatives.org

Malcolm Young has more than four decades' experience in American criminal justice. In 1980 Young returned to Washington, D. C. after practicing law as a criminal defense trial lawyer in Cook County, IL and joined the National Legal Aid and Defender Association. In 1981, Young launched a project which ultimately helped improve sentencing advocacy in more than 20 states. In 1986, Young continued his national work on sentencing advocacy by founding and for 19 years serving as Executive Director of The Sentencing Project, well-known today for its ground-breaking research and publications on criminal justice policy.

In 2005, Young returned to Chicago to direct the John Howard Association of Illinois, providing public oversight of the state's prisons, jails, and juvenile correctional facilities. He observed close-up and through the eyes of former prisoners the challenge of finding employment in the depths of the 2007 – 2008 recession. Young was awarded a 2010 Soros Justice Fellowship to explore innovative approaches to employment-related prisoner reentry.

During the summer and fall of 2015, Young was challenged to design a reentry program serving federal prisoners whose sentences for drug law violations were reduced as the result of changes in federal sentencing guidelines (“Drugs Minus Two”) and for individuals whose sentences were commuted by President Obama. Working with Marsha Weissman of the Center on Community Alternatives in New York, Young was subsequently asked to implement those recommendations in what is now Project New Opportunity.

Deputy Project Director Norman Brown
202-734-9953
nbrown@communityalternatives.org

Norman Brown is a returning citizen who just finished serving 24 ½ years in the BOP. He was commuted by President Obama after being sentenced to three life sentences for a non-violent drug offense.

He is now employed as the Deputy Project Director, Project New Opportunity, where he assists people coming home from prison. He also goes to Juvenile Detention Centers five days a week. Under the Department of Youth Rehabilitation Center, he is working with youth, guiding them on how to avoid a life of crime and the pipeline to prison. He completes this work under the organization, Grow-Up Grow Out. While he was incarcerated, he designed classes for BOP in self-improvement, anger management, and coping skills, etc.

Even today, Norman Brown continues to work with others to encourage them to realize the power of thought and transformation. He has participated in numerous panels at the White House, Google, Innovation Lab, and reentry conferences and forums discussing mass incarceration as well as how to rebuild your life after being incarcerated.