



RECONNECTING JUSTICE

Lessons Learned and the
Agenda Ahead



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Forum reflections

Our charge

The Center for Law and Social Policy's (CLASP) commitment to advancing policy solutions for low-income people cannot be sufficiently achieved without acknowledging the disproportionate impact our criminal justice system has on low-income communities and communities of color. "Law-and-order" policies over the last 30 years have led the United States to incarcerate people at a higher rate than any other developed nation, having devastating and perpetual consequences on employment, education, and health for those incarcerated and their communities.^{1, 2}

In addition, these policies and their consequences disproportionately affect low-income communities and communities of color and are a manifestation of implicit biases and structural racism in our justice system.³ Research has shown that Black and Latino individuals are more likely to be arrested, sentenced, and punished more severely for the same crimes as White individuals.⁴ This likelihood is one factor among many that has led to Blacks and Latinos comprising 59 percent of all prisoners, despite making up only 26 percent of the overall population.⁵ Furthermore, the economic impact of incarceration cuts deep in low-income communities: as recently as 2014, the median annual income for individuals prior to incarceration was less than \$20,000, which is more than \$30,000 below the national median.^{6, 7}

The disproportionate impact of our criminal justice system on low-income individuals and people of color continues well beyond incarceration. Each year, 650,000 people, many of whom are nonviolent offenders, are released from jails and prisons as returning citizens.^{8, 9} As they reintegrate into society, they face nearly insurmountable barriers to finding sustainable employment, housing, and health care.¹⁰ These barriers often serve as perpetual punishments that work counter to the original rehabilitative mission of corrections and lead to recidivism: over two-thirds of returning citizens are rearrested within three years of release and three-quarters are rearrested within five years.¹¹ These high rates of recidivism not only have public safety implications, but also contribute significantly to the cycle of mass incarceration, which is both morally problematic and fiscally unsustainable.¹²

Packed into the public investment in our justice system and policies is a moral and fiscal dilemma. At the same time that we have bolstered investments in mass incarceration, we have invested far less in more productive and prosperity-boosting areas of public spending—such as education—especially for low-income communities that have been hit the hardest.¹³ This tradeoff has damaging cyclical effects, is part of larger negligent policies that produce and criminalize poverty, and perpetuates mass incarceration. Although education is only one dimension of this issue, its direct relationship with criminal justice involvement and outcomes—and the disparate impact of that on low-income communities, particularly those of color—led CLASP to explore this intersection.

As part of our work to identify policy solutions that help low-income, low-skilled adults advance in the workforce, we are focusing on the unique and challenging needs of people who have been involved in the criminal justice system. A criminal record can have a strong negative impact on someone's economic trajectory, and opening up education and training opportunities for this population is an essential part of the solution at both the policy and practitioner levels. Investments in correctional education have already demonstrated their effectiveness, with research concluding that correctional education leads to a 43 percent reduction in recidivism, and a 13 percent higher likelihood of post-release employment.¹⁴ Likewise, smooth, supportive, and sustainable educational and career pathways that connect correctional education to continuing opportunities to earn credentials and upgrade skills upon reentry offer more stabilizing prospects for success in the labor market.

Building on the themes of comprehensive supports and continuity of learning from incarceration through reentry, CLASP convened experts and hosted a forum, [Reconnecting Justice: Pathways to Effective Reentry through Education and Training](#), in October 2016. Through discussion and debate, the panelists and guests at the forum had conversations across the education, workforce, and justice issue silos. The takeaways from this forum energized CLASP's advocacy agenda, and the following high-level lessons learned from the forum are now helping frame our work:

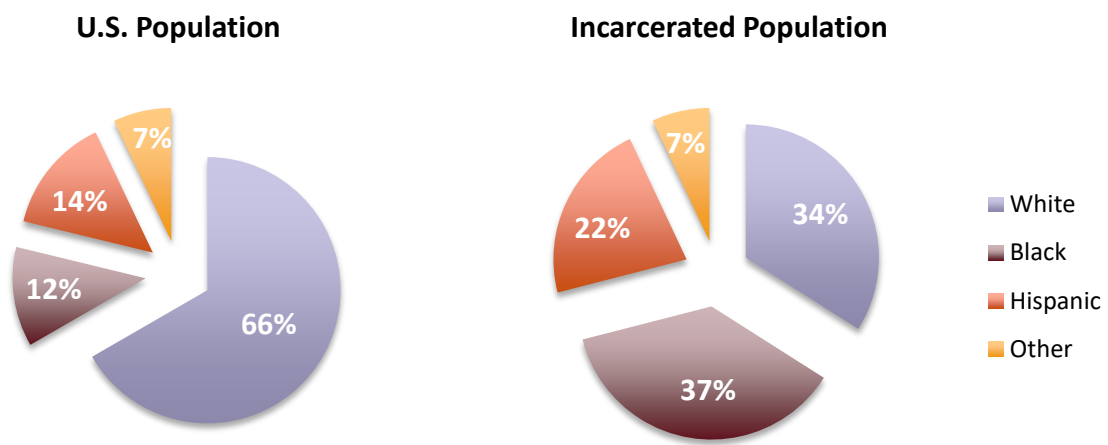
- Incarceration has a multigenerational effect on individuals, families, and communities.
- Robust correctional education programs can be a mitigating factor for recidivism and promoting successful reentry.
- Supportive services are a crucial complement to education and training that must be continued after release.

Reflecting on the issues in context: Effects on families and communities

The discussions generated by CLASP's forum brought an intentional focus on the issues that have shaped not only the education and training opportunities for incarcerated and returning citizens, but also the systemic issues at the root of mass incarceration, educational inequality, and economic oppression of communities. These circumstances, which have led to the disproportionate incarceration rates among low-income communities of color, primarily among Black and Latino men, can be traced to discriminatory policies that have subjected these communities to poverty and economic immobility, and by no coincidence, inequitable access and opportunity structures on almost every quality-of-life dimension.^{15, 16} Consequently, the conditions created by this type of spatial segregation and trauma, and the injustices imposed by law-and-order policies, result in disproportionate and negative interactions with the criminal justice system.¹⁷ Unfortunately, law-and-order policies have focused on addressing the latter without giving necessary credence to the former. The result:

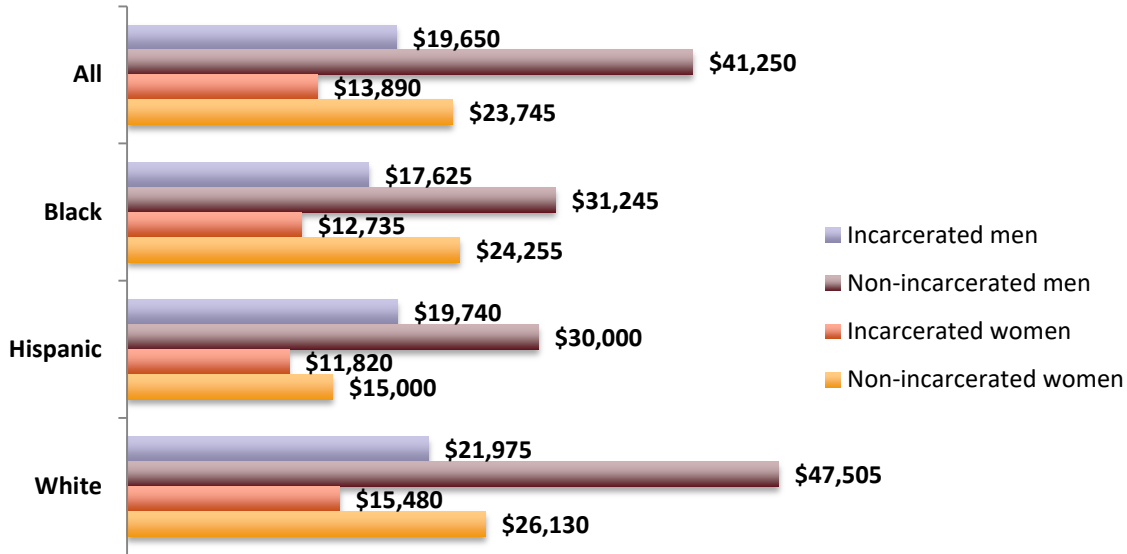
- Over 2.2 million people are incarcerated in the U.S., more than in any other developed nation;
- Over two-thirds of those incarcerated are Black and Latino, predominately men;
- Educational attainment levels among prisoners that are far below the national average;
- Traceable and documented pipelines to prison by race, gender, education, and income level; and
- These pipelines are amplified by policies that criminalize the communities affected by such policies.^{18, 19}

Figure 1. Racial composition of the incarcerated population compared to the overall U.S. population



Source: [Highlights from the U.S. PIAAC Survey of Incarcerated Adults](#),
Program for the International Assessment of Adult Competencies: 2014.

Figure 2. Median annual incomes for incarcerated individuals prior to incarceration and non-incarcerated individuals by race and gender



Source: *Prisons of Poverty: Uncovering the pre-incarceration incomes of the imprisoned*, Prison Policy Initiative, 2015.

The context illustrated by these data is the cause and culmination of the decades-long and well-documented pipeline to prison for communities of color. The destabilizing legacy of this crisis was a central theme in the forum's keynote address, highlighting the multigenerational impact of mass incarceration. There are 2.7 million children who have an incarcerated parent; Black children are seven-and-a-half times more likely than White children to have a parent in prison, and Latino children are two-and-a-half times more likely to experience this family dynamic.²⁰ Parental incarceration has detrimental effects on child development, and studies show that children who have an incarcerated parent are three times as likely to be justice-involved.²¹

Annually, 650,000 prisoners are released, and an estimated 95 percent of prisoners in state facilities that house 1.3 million of the 2.2 million incarcerated in the U.S. will eventually be released.^{22, 23, 24} These complex issues must be navigated to improve the outcomes for those who will rejoin society. Providing education and training opportunities during and after incarceration is proven to reduce recidivism and increase opportunity for gainful employment.²⁵ As the forum keynote speaker highlighted, that impact is felt across families and communities alike. Likewise, the return on investment is far-reaching when education and training is combined with supportive services that help formerly incarcerated people overcome barriers to employment, housing, and health care—and these investments can ultimately help historically underserved communities thrive.

Correctional education can improve reentry outcomes

Federal attention to correctional education has recently focused on boosting postsecondary access through the pilot demonstration project offering “Second Chance” Pell grants to incarcerated people at 69 experimental sites. In addition, other federal investments in correctional education can spur state innovation and promote best practices.²⁶ Federally supported research initiated through the Second Chance Act of 2007 demonstrates the effectiveness of correctional education in reducing recidivism and unemployment.²⁷ Panelists at the forum noted that this research and the momentum given to the justice agenda during the Obama Administration, along with federally supported grants through the Second Chance Act, have encouraged states to offer more robust correctional education and reentry support opportunities.

“Take the conversation out of the criminal justice realm and bring the conversation into the education justice realm.”

State agency leaders discussed their experiences as practitioners and changes being made in correctional education and reentry. One state in particular, California, garnered bipartisan support for legislation and implemented new model practices for improving correctional education access, delivery, partnerships, and articulation to continuing education and training opportunities.

The forum highlighted California’s alignment of career and technical training and credential pathways in prison with the state’s labor market needs, and its recent move to centralize and fully fund partnerships between the state’s Department of Corrections and Community College Chancellor’s Office to provide postsecondary training. Similar efforts are underway through New York’s Prisoner Reentry Institute at John Jay College to provide transferrable skills at all levels between training in prison to education and job opportunities upon release.

These core themes of access, quality, and continuity align with research and best practices, but the forum participants also provided perspective on how to approach this work on a personal level by treating students as individuals in a learning community with their own unique goals and aspirations. The mitigating force of correctional education is only as strong as the supports that go along with it. The charge to “take the conversation out of the criminal justice realm and bring the conversation into the education justice realm” reinforced the importance of connecting policy to the reality of individual lives.

Strengthening and sustaining critical support for successful reentry

The forum also highlighted the significance and urgency of criminal justice reform. However, positive and sustainable reform will not happen without a reversal in how our nation views the role of corrections. One panelist noted that we must “separate punishment from rehabilitation,” recognizing that

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“the deprivation of liberty is the punishment.” With this outlook, time in corrections should prepare people to be successful upon return to their communities. Increasing access to correctional education can be one element of success. However, another element is connecting education and training opportunities to supports upon release.

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The 650,000 people returning to society every year should be thought of as “a talent pipeline that can help restore vibrancy to the communities that they come from,” one panelist enjoined. Even with robust correctional education programs, the barriers people face when returning often stand in the way of success. Several transition strategies emerged including providing wrap-around supportive services and building partnerships between state and federal agencies.

A representative from the College and Community Fellowship in New York described how the process of reentry begins while individuals are still incarcerated. Women in the program are mentored before release and receive help finding housing, employment, and applying to postsecondary institutions. They are then continuously supported in meeting their educational aspirations. As the panelist from this organization noted, “Reentry is not the goal. It is a specific point in time. The goal is lifelong reintegration, sustained civic engagement, and a life that one can enjoy and be proud of and pass along to their children and their communities.”

Much of the success seen in today's reentry landscape has come from effective partnerships. With an Improved Reentry Grant from the U. S. Department of Justice, the Pennsylvania Department of Corrections partnered with workforce development boards to inform their education and training opportunities. By working with employers, the corrections department is tailoring vocational programs to give inmates the credentials they need to obtain sustainable jobs upon reentry. Pennsylvania also developed its Workforce Innovation and Opportunity Act (WIOA) state plan with the state's departments of education, corrections, labor, and human services to ensure coordination among agencies. At the national level, 28 federal agencies have worked together through the Federal Interagency Reentry Council to coordinate positive reentry efforts and minimize those that are inhibitive.

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Strengthening and sustaining reentry pipelines through partnerships shows the equal importance of continuity between correctional education and education and training upon reentry, as well as the necessity of aligning supports along that continuum. Nonetheless, the breaks and barriers in the system demonstrate the significant and ongoing need for policy reform. The forum highlighted piecemeal advances and best practices that engender reform, but full-scale reform will require much more work. A recurring lesson from the forum was the importance of support and coordination among all levels of government, from local workforce boards to the White House. However, alignment and partnerships are not enough. Real policy and budget investments at all levels of government are needed to match the potential and talent of returning citizens.

How the current policy climate can shape or shift progress

What the new federal administration could mean for reform

Despite appearances of federal momentum behind initiatives to curb mass incarceration, early indications from the current administration suggest these priorities may now shift. During the 2016 presidential campaign, Donald Trump promised to restore law-and-order, and has since followed through on this campaign promise with a series of executive orders aimed at being "tough on crime."²⁸ In addition, Attorney General Jeff Sessions strongly opposed sentencing reform during his years in the U.S. Senate, reversed his predecessor's initiative to phase out privatized prisons soon after taking office, and has voiced skepticism on the efficacy of programs that reduce recidivism, including correctional education.²⁹

The moral and fiscal implications of current criminal justice policies have led to broad bipartisan support for criminal justice reform. Reforms to date have helped lead to a drop in the incarceration rate after decades of increases, while statistics show that crime is near historic lows—racial disparities have not improved, however.³⁰ At the executive level, the Obama Administration made reducing mass incarceration and recidivism through education a priority, as demonstrated by the Second Chance Pell experimental sites, which give access to postsecondary education to 12,000 students in more than 100 correctional institutions. In addition, the Obama Administration championed advanced initiatives to combat and reverse mass incarceration and reduce collateral consequences, prevented the federal government from asking about criminal records on job applications (known as "ban the box"), and announced it would phase out the use of private prisons.^{31, 32, 33} However, on many aspects of criminal justice reform, the Trump Administration clearly will not pursue this same direction. Indeed, the rhetoric and budget proposals from the White House and Justice Department suggest a significant challenge ahead for increased access to education and training opportunities among people in the justice system, as well as efforts to reduce incarceration. Trump's recent executive orders direct the Department of Justice to establish task forces to

investigate and combat crime, signaling that law-and-order policies are ahead and federal investments will shift to massive enforcement rather than measured reform.³⁴ President Trump's 2018 budget proposal for the Department of Justice reflects these same priorities.

In the past, law-and-order policies have disproportionately affected communities of color and led to increased rates of incarceration, which persisted even as crime rates dropped.³⁵ Research has shown that law-and-order interventions contribute to higher rates of recidivism, harming communities, destroying lives, and generating significant financial costs.³⁶ Higher rates of recidivism have public safety implications, and they perpetuate the cycle of incarceration by failing to rehabilitate people. On the other hand, correctional education can reduce recidivism and offers a positive investment in the skills and needs of our returning citizens.

The new administration's push for law-and-order is a catalyst for ramping up spending on corrections in ways that are demonstrably unsustainable and fiscally irresponsible. If our nation fails to reduce spending on corrections, while promoting policies that maintain—or even increase—an already unsustainable incarcerated population, we will severely hamper our ability to respond to the challenges ahead, particularly in funding other priorities. By spending \$80 billion on corrections annually, we have less funding for other important programs. As noted in a recent U.S. Department of Education report, “over the past three decades, state and local government expenditures on prisons and jails have increased about three times as fast as spending on elementary and secondary education.”³⁷ These trends signal even more issues with far-reaching implications for justice and education reform across all levels if they continue.

WHAT DOES “LAW-AND-ORDER” MEAN?

The Trump Administration's law-and-order approach reflects an outdated, harmful understanding about the roles of policing and incarceration in people's lives. Emerging in the 1960s in response to perceived social unrest, law-and-order rhetoric and its attendant policies emphasized the need for expanded police capacity and harsher sentencing practices as a means of social control, particularly for black and brown communities. The law-and-order framework includes several features particularly harmful to low-income communities and communities of color:

- Use of law enforcement as a response to social distress;
- Criminalization of poverty and adolescent behavior;
- Expansion of law enforcement's role and presence into nontraditional settings; and
- Insufficient enforcement of civil rights protections.

Source: [Guiding Principles for Advocates in the Trump Era](#), CLASP, 2017.

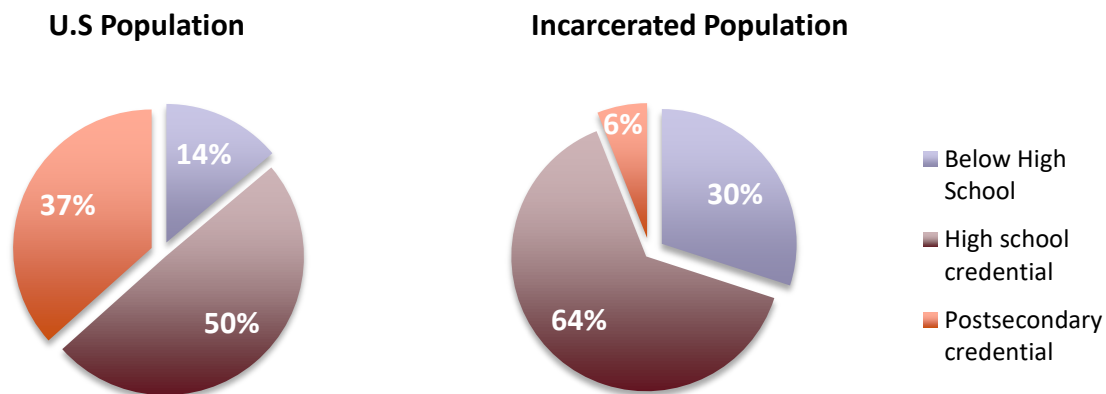
Implications for correctional education and reentry

Those who are incarcerated face the gravest educational disparities. Mass incarceration hinders our ability to maintain a globally competitive workforce. The math, reading, and problem-solving skills of American adults already lag significantly behind those in other developed nations, with significant disparities in performance across race and income levels.^{38, 39} The United States must improve the rate in which underserved populations, particularly Black and Latino adults, earn industry-recognized credentials and succeed in the labor market. For those behind bars and returning to society, this is both an economic and a moral imperative.

The U.S. Institute of Education Sciences recently released the results of the U.S. Program for the International Assessment of Adult Competencies (PIAAC) Survey of Incarcerated Adults examining incarcerated adults' skills, work experience, and education. It indicated a significant need for quality correctional education and training that

leads to a postsecondary credential, reporting that 94 percent of incarcerated adults do not have a postsecondary credential, compared to 64 percent of U.S. households. The survey also found that 30 percent of incarcerated adults have not obtained a high school credential, compared to just 14 percent of the general population.⁴⁰ Reforming the justice system to end over-incarceration and helping people already in prison obtain valuable credentials can help reduce these inequities and increase our nation's economic competitiveness. For many prisoners, correctional education may offer their first opportunity to learn new competencies and upgrade existing skills, and any investment in correctional education should recognize the full importance of this potential.

Figure 3. Educational attainment of incarcerated individuals compared to the overall U.S. population



Source: *Highlights from the U.S. PIAAC Survey of Incarcerated Adults, 2014.*

Although the Trump administration has already signaled a potentially threatening shift in criminal justice reform, some positive avenues remain open to improve education and training opportunities for incarcerated individuals. The Second Chance Pell experimental sites are up and running, and for at least the near future, they offer opportunities to learn about different models and promote successful strategies for access to postsecondary education. The Restoring Education and Learning (REAL) Act of 2017, which would allow prisoners to be eligible for Pell grants, has been reintroduced in the U.S. House of Representatives, helping to keep the promise of correctional education involved in future discussions. Additionally, as federal funding for grants to prevent crime or rehabilitate prisoners may be redirected, best practices identified by many current grantees can be leveraged into strategies for replication and sourcing of alternative funding sources. For example, lessons can be drawn from the nine sites that received federal Improved Reentry Education grants that could be scaled and replicated across states.

Since nearly all incarcerated individuals (2 million out of 2.2 million) are held in state facilities, much work can be done at the state level to continue reducing incarceration and supporting reentry.⁴¹ Federal law-and-order policies will ultimately affect state budgets, forcing them to invest in mechanisms to reduce recidivism and keep the cost of mass incarceration manageable. In 2016, at least 17 states adopted reforms to reduce incarceration and address collateral consequences for those reentering society.⁴² Correctional education and reentry initiatives have historically been state-funded, yet this new climate of wavering federal support means that states will have to be innovative in funding and implementing correctional education and reentry programs. States also have the authority to fund state financial aid programs, as California has done. Additionally, federal funds—although limited—can still fund correctional education. Up to 20 percent of Adult Education and Family Literacy Act funds can be used for correctional education, as can up to 1 percent of Carl D. Perkins Career and Technical Education Act grants.

The bipartisan momentum behind criminal justice reform can continue, and states must rise to the challenge of implementing reforms and shifting investments into evidence-based strategies, such as improved access to education and training during and after incarceration. Despite the rhetoric and actions in the new federal climate, the groundwork has been laid for states and advocates to continue this reform.

An agenda for moving forward

CLASP's work in this space was born from the need to realize justice for millions of low-income adults involved in the criminal justice system—a growing population that must be addressed as a significant element of our comprehensive national anti-poverty strategy. Public policies are a major cause of our country's disastrous over-reliance on incarceration; and new public policy solutions are needed to reverse this crisis. While the problem is complex and multilayered, part of the solution lies in the opportunities afforded through education and training. While education and training is by no means a panacea, its proven effects offer a second chance for some, and a first chance for many, to break the cycle, especially for those failed by our sociopolitical systems in the first place.

As one component of an agenda for jobs, education, and justice—and with an emphasis on federal and state policy—CLASP calls for focused investments in education and training opportunities, backed by smart justice reform policies. We recommend the following:

Federal recommendations

- Congress should fully reinstate Pell grant eligibility for incarcerated people. The 1994 ban on Pell Grants for incarcerated individuals, which amounted to less than 1 percent of the Pell budget at the time, essentially removed access to postsecondary education for those in prison.⁴³ Postsecondary access for prisoners has been proven effective by rigorous research, offering a return on investment for both inmates and society as a whole.
- Federal policymakers should increase overall funding, and current funding ceilings, for adult education and career and technical education through the Adult Education and Family Literacy Act (AELFA, funded under title II of the WIOA) and the Carl D. Perkins Vocational and Technical Education Act. Given the high number of prisoners with insufficient reading, math, and problem-solving skills, these resources are urgently critical. Although states can use dedicated funding streams for correctional education within both of these federal programs, even these modest existing resources remain underused. States should be fully informed about these funds and encouraged to use them.
- Title I of WIOA should be fully funded at authorized levels, and states and local areas should be encouraged to target these funds to individuals facing significant barriers to employment, including justice-involved youth and adults.
- Federal discretionary grants administered through the Departments of Education, Labor, and Justice should continue to be funded and supported to continue supporting best practices, spurring innovation, and scaling effective models in states and localities. These grants include:
 - Reentry Employment Opportunities (REO) grants to support testing and implementation of successful reentry training models.
 - Training to Work grants to target career pathway development and employment support for returning citizens in high-crime, high-poverty areas.
 - Linking to Employment Activities Pre-Release (LEAP) grants to better connect services offered inside correctional facilities to local workforce development systems.
 - Second Chance Act (SCA) grants to help returning citizens safely and successfully reintegrate into the community.
 - Improved Reentry Grants (IRE) to support the continuum of education and training opportunities between prison and community-based education.

- Congress should reauthorize the bipartisan Second Chance Act to continue support for the work already started.
- Support reentry education and training opportunities by building up evidence and providing guidance to reduce ambiguity around federal policies and resources. The collaborative efforts of the Federal Interagency Reentry Council are a model for this type of comprehensive administrative effort.
- Federal policymakers should recognize the complexity of criminal justice issues, as well as the human and economic toll on states, cities, communities, families, and individuals. By considering the collateral consequences of incarceration and reentry, federal policy can be carefully crafted to reduce unintended consequences of other policies that may impair education and training opportunities and overall economic mobility of people involved with the criminal justice system. Legislation on issues as varied as health care, infrastructure, employment, sentencing reform, housing, public benefits, and child support enforcement, among others, should be considered through this lens.

State recommendations

- Because the overwhelming majority of corrections spending comes from their budgets, states have a tremendous opportunity to implement helpful reforms. States should improve correctional education to support the continued training and labor market success of inmates, the vast majority of whom will eventually return to society and need the tools to succeed in the labor market. Even amid tightening state budgets and other uncertainties, states should maintain support for correctional education and challenge themselves to be efficient with resources, while investing in and scaling best practices. One good example: when state financial aid was cut for inmates in Indiana correctional facilities, the state shifted its focus from traditional postsecondary education and toward more vocational and certification programs through a partnership with the Indiana Department of Workforce Development.⁴⁴
- Too often, state data on correctional education funding are not transparent, making it difficult to track and evaluate funding streams and programs. States should publish clear and specific correctional education budgets—including information on how much funding is dedicated to correctional education and which types of programs are offered—to help policymakers, other decision makers, and advocates monitor and measure their approaches. By tracking the accessibility of their programs and the outcomes of participating inmates, states can inform the success of correctional education programs and provide insight to other states.
- States should collaborate across education, workforce, and criminal justice silos to ensure the effective access, delivery, and continuity of education and training during and after incarceration. Recognizing each as parts of a whole that must work together through partnerships and policy coordination helps to limit systemic barriers to education and training.
- States should make sure their financial aid is equitable and accessible, and not operating under punitive policy structures. Postsecondary institutions can and should play a key role in educating incarcerated and returning citizens, and prior offenses should not serve as additional, trajectory-defining punishments that restrict state financial resources.
- Experts have identified more than 40,000 collateral consequences at the state and federal level that a criminal conviction can have on employment and other opportunities for formerly incarcerated individuals.⁴⁵ For example, state bans on occupational licenses can completely undermine the success of correctional education, thus dashing hopes and wasting time and money by training people for jobs that bar former felons. Where and how people can legally and safely contribute to the economy and their own well-being should not be limited by debts already paid to society.

Conclusion

Comprehensive criminal justice reform is a gigantic endeavor; one that challenges us to take a hard look at the painful root causes of mass incarceration, racial disparity, and economic injustice—and the cyclical implications of all three. One central issue inherent in all of this is education. Taking a hard look at education and training disparities before, during, and after incarceration requires the same level of systemic critique, policy examination, and collective accountability. Likewise, translating that effort into implementable solutions through smart policy and targeted investments should be at the core of true reform. Correctional education—and continued education and training opportunities into reentry—have proven to be transformative and cost-effective. However, the most important focus should be on the life-altering effects for individuals, families, and communities. The human toll of these issues should not be discounted, and all efforts to reform policies should ultimately be guided by this lens.

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