INTENSIVE COMMUNITY RESTORATION: THE NEED FOR EFFECTIVE AND EFFICIENT RE-ENTRY INFRASTRUCTURE PROVIDING HOLISTIC SERVICES

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I. INTRODUCTION: THE STATE OF MASS INCARCERATION IN THE UNITED STATES

In May of 2020, a viral video of the killing of George Floyd at the hands of a police officer in Minneapolis, Minnesota, led to a national reckoning on the disproportionate effect that the American criminal legal system has on its black and brown communities. For years, the Black Lives Matter movement has driven the effort to reanalyse our broken criminal legal system, not only as a matter of public safety but also as a matter of public health. This movement has gained broader traction than ever before, finding an increasing international stage. A poll conducted by ABC News/ Washington Post in July of 2020 found that 69 per cent of Americans surveyed believe Black people and other minorities do not receive equal treatment in the criminal justice system.[1]

People with arrest and conviction records are permanently deprived of certain rights and stripped of opportunities for housing, education, employment, social services and other necessities. It has become clear that contact with the criminal legal system can permanently disable individuals' ability to readapt to society resulting in substantial social and economic costs and a lifetime of social stigmatization. The economic fallout is widespread across all systems, compounding the negative effects of poverty, food insecurity, housing insecurity, employment, violence, physical health needs, mental health needs and education.

The Covid-19 pandemic has exacerbated the difficulties associated with re-entry, as the pandemic has prompted a wave of early release. According to Rob Jeffreys, acting Director of the Illinois Department of Corrections (IDOC), the Illinois prison population has fallen by more than 18 per cent during the pandemic. This means that as records of numbers of people return to their communities it is imperative that state and local leaders provide the critical services required for successful re-entry to avoid high rates of recidivism.[2] While this early release is positive news, it has put a strain on existing services and increased competition for already rare employment opportunities. Considering that as of September 2020 the number of nonfarm jobs decreased in all fourteen Illinois metropolitan areas, and that no industry sector saw job gains in most

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[1] Langer, G. (2020, July 21). ABC news. Retrieved from <https://abcnews.go.com/Politics/63-support-black-lives-matter-recognition-discrimination-jumps/story?id=71779435>.

[2] Ebert, J. (2020, October 14). Illinois prison population decreased by 18 percent since start of pandemic. Retrievedfrom <https://thedailyline.net/chicago/10/14/2020/illinois-prison-population-decreased-by-18-percent-since-start-of-pandemic/>.

metro areas, the need for services will only increase.[3] Without vital support services, the pandemic will exacerbate human suffering and recidivism rates.

However, the current state of existing support services is dire. In early 2020 the Council of State Governments conducted a survey of community-based service providers and found that only 30 per cent of re-entry service providers were operating at full capacity during the rise of the pandemic in the first quarter of the year.[4] Concurrently, the survey found that "significant numbers" of programmes such as "in-reach services in jails and prisons, educational support in the community, and employment services" had largely ceased functioning altogether.[5] In addition, nearly 20 per cent of organizations had reported layoffs, with more expected in the future.[6] The deficiencies of the current non-profit system were made starkly clear, reliant as it is on piecemeal acquisition of resources via a cumbersome and unpredictable grant system. As the economy stumbled, and resources began to run dry the effect on non-profits and small community-based organizations quickly led to the shuttering of many agencies.

It is imperative that people re-entering their communities from incarceration be recognized as being among the most vulnerable members of society. With the economic fallout of the pandemic, it is certain that local, state and federal budgets will be constrained, meaning those most vulnerable will bear the brunt of the effects. The challenges people impacted by mass incarceration face are numerous and deep, and the inequities being revealed by the pandemic will only be deepened without aggressive, proactive action. We must acknowledge the existence of these inequities engage in a reconciliation process to begin to repair the harm.

This report discusses the ways re-entry is directly tied to a wide range of socioeconomic problems faced by people impacted by mass incarceration, each with their own set of bureaucratic, social and financial obstacles. A discussion of the social determinants of health displays the complexity of re-entry, challenging the traditional view of addressing "crime" and "recidivism" as merely bad choices or any number of outmoded versions of cultural blame or deficiency theory.[7] By viewing the issue of re-entry through a holistic lens and appreciating the complexity and unique experiences of people with records, it becomes clear that the issues we are facing are not as simple as "crime" or "violence", but a complex web of interrelated socioeconomic inequities embedded within much of the fabric of America.

Ultimately, the story of re-entry is one of cyclical poverty, racism, systemic anachronisms, inequity, and all too often, despair. However, more than ever communities are coming together to solve these issues, collaborating closely to find innovative solutions to historically entrenched problems. To continue this work, communities need

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[3] Illinois Dept. of Employment Security. (2020). Illinois Still Impacted by COVID-19 Pandemic, Unemployment Rates Up Compared to Last Year. (2020). Retrieved from <https://www2.illinois.gov/ides/SitePages/NewsArticleDisplay.aspx?NewsID=518>.

[4] The Council of State Governments (CSG) Justice Center. (2020). Survey Shows Reentry Services Halting Across U.S.(2020, June 25). Retrieved from <https://csgjusticecenter.org/survey-shows-reentry-services-halting-across-u-s/>.

[5] Ibid.

[6] Ibid.

[7] "Cultural deficiency" refers to "the perspective that minority group members are different because their culture is deficient in important ways from the dominant majority group". Salkind, N. J. (2008). Cultural deficit model.In *Encyclopedia of educational psychology* (Vol. 1, pp. 217-217). SAGE Publications, Inc.

long-term, sustained investment.

This report, in discussing the sheer numbers of people with records and the challenges they face, argues that the services required for successful re-entry is among the most important areas of social investment. As this report will show, there is a desperate need for an effective and efficient re-entry infrastructure geared towards increasing quality of life and reducing recidivism and violence. By addressing the challenges discussed within this report policymakers and community activists can take a bold step towards ending the cycle of poverty that all too often leads individuals back to crime and violence. Without sustained and dedicated support systems, we will see more homelessness, more poverty, more desperation, more crime and ultimately more violence within our communities. Recent research by the Illinois Criminal Justice Information Authority has found a direct relationship between criminal offending and victimization by homicide in Illinois, particularly in Cook County. Between 2015 and 2016, 40 per cent of suicide victims had an arrest record and 3 per cent had a prior incarceration, while 77 per cent of homicide victims had a prior arrest and 31 per cent had been previously incarcerated.[8] These chilling statistics paint a stark picture. Holistic re-entry services are a means of reducing violence in our communities.

Considering the current fiscal state of the United States and the State of Illinois it is now more critical than ever that we act decisively and proactively to get in front of the problem by investing the resources required to provide a smooth transition back into society for individuals exiting incarceration.

Currently, relevant agencies are siloed in a range of service sectors, including health and behavioural health, housing and homelessness, employment, criminal justice, family, and social services, etc. As is, re-entry is made up of a hodgepodge of policies and programmes. The allocation of an insufficient amount of funds to re-entry efforts has resulted in an infrastructure inadequate to the task of facilitating the successful re-entry of the formerly incarcerated. Indeed, a report by the Collateral Consequences Resource Center (CCRC) states "there is nothing *coordinated* about the current system."[9] Rather, this lack of a unified response is attributable to a policy approach that devolves responsibility to municipalities and non-profit agencies that currently lack the sustained, reliable resources required to provide efficient, coordinated, mid-to-long-term responses.

What is required by the re-entry, and workforce development sectors is an integrated tool that pulls together "the best thinking about reducing recidivism and improving job placement and retention to guide correctional supervision and the provision of community-based services".[10] Within this, a "multidimensional approach that considers the inmates themselves along with the broader social context…could incorporate assistance with

[8] Prior Criminal Justice Involvement of Persons Experiencing Violent Deaths in Illinois. (2020). Illinois Criminal Justice Information Authority. Retrieved from <https://icjia.illinois.gov/researchhub/articles/prior-criminal-justice-involvement-of-persons-experiencing-violent-deaths-in-illinois>.
[9] Love, M., & Schlussel, D. (2020, September 8). "The Many Roads to Reintegration": A 50-state report on laws restoring rights and opportunities. Retrieved from <https://ccresourcecenter.org/2020/09/08/the-many-roads-to-reintegration-a-national-survey-of-restoration-law/>.
[10] Duran, L. (2013). Integrated Reentry and Employment Strategies: Reducing Recidivism and Promoting Job Readiness. Retrieved from <https://nicic.gov/integrated-reentry-and-employment-strategies-reducing-recidivism-and-promoting-job-readiness>.

housing and job training for the soon-to-be-released, to smooth their transition.[11] This report provides background context specifically related to the following subjects: process of re-entry; housing; workforce development and employment; health (physical and mental health, as well as substance abuse); and criminal justice reform.

By reviewing existing studies, reports and the best available data and comparing with the results of Safer's own qualitative investigations and institutional experience, this report attempts to provide a more systematic understanding of the complexities and problems attendant with prisoner re-entry as both concept and practice, taking into consideration the critical need for a holistic continuum of services spanning pre- and post-release from incarceration. In addition to existing research, this report is informed by oral histories conducted by Safer staff with people directly impacted by mass incarceration. Oral History is a method used by social scientists to help inform the context of a certain historical event using the perspective of those who lived through it. Everyone's story is unique, and while no person's story falls neatly into any one clear category these rich narratives illustrate the complexity of re-entry in Chicago and the way these obstacles interweave and cascade, rendering re-entry a complex and stressful process that requires a dedicated and holistic set of services.

In Illinois, the benefits to sufficiently supporting holistic re-entry services will be counted both in dollars and in lives. The sheer numbers of people impacted by mass incarceration is nothing short of a crisis. With over 3.3 million Illinoisans arrested or convicted of a crime since 1979[12] and 54 per cent of these individuals expected to have returned to Chicago,[13] it is reasonable to presume that at a minimum 1,782,000 individuals with records currently reside within Chicago. The Illinois Sentencing Policy Advisory Council (SPAC) calculates that the cost of each individual reconviction costs taxpayers an average of $151,662,[14] and considering that 17 per cent of formerly incarcerated people will reoffend within one year while 43 per cent will reoffend within three years,[15] the cost to Illinois taxpayers could reach $13 billion by 2023.[16] The Council estimates that reducing recidivism by a mere percentage point could potentially save the state of Illinois $10 million annually. This takes on a particular resonance in the midst of a continuing pandemic and a devastated economy.

At the national level, the cascading costs of imprisonment are passed along from the individual to the family and on to the community, the state and ultimately the nation. Buckner and Barber (2016) estimate that nationally the cost related to shutting people with

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[11] Weidner, R. R., & Schultz, J. (2019). Examining the relationship between U.S. incarceration rates and populationhealth at the county level. *SSM - Population Health, 9*, 100466. doi:10.1016/j.ssmph.2019.100466

[12] Heartland Alliance 2020 Poverty Report. (2020). Retrieved from <https://www.heartlandalliance.org/heartland-alliance-2020-poverty-report/>.

[13] Visher, C., & Farrell, J. (2005). Chicago Communities and Prisoner Reentry. PsycEXTRA Dataset. doi:10.1037/e720022011-001

[14] Illinois Sentencing Policy Advisory Council. (2018). Illinois Results First: The High Cost of Recidivism 2018 Report.Retrieved from <https://spac.illinois.gov/publications/cost-benefit-analysis/high-cost-of-recidivism-2018>.

[15] Lyon, E. (2019). Illinois Calculates the High Costs of Recidivism. Retrieved from <https://www.prisonlegalnews.org/news/2019/feb/5/illinois-calculates-high-costs-recidivism/>.

[16] Illinois Sentencing Policy Advisory Council. (2018). Illinois Results First: The High Cost of Recidivism 2018 Report.Retrieved from <https://spac.illinois.gov/publications/cost-benefit-analysis/high-cost-of-recidivism-2018>.

records out of the economy equates to an annual GDP loss of between $78-87 billion. In 2008, job discrimination against ex-offenders in the U.S. alone removed 1.5 to 1.7 million workers from the labour market, leading to a productivity loss of $57-65 billion dollars that year (Bucknor and Barber, 2016; National Conference on State Legislatures, 2018).

Aside from loss of productivity and purchasing power, according to Guyer, Bachrach and Shine (2015) 4.2 per cent of adults who have had contact with the criminal justice system are accountable for an estimated 7.2 per cent of hospital costs and 8.5 per cent of emergency department expenditures. Furthermore, considering the heavy interplay between incarceration and homelessness, the U.S. Interagency Council on Homelessness estimates that each individual suffering from chronic homelessness costs the public between $30,000 to $50,000 per year in associated costs. Conversely, research from Portland State University found that each dollar invested in assisting justice-involved homeless individuals results in a savings of $13.

The costs above are well documented, yet when one attempts to investigate the true numbers of individuals with criminal records in the United States, it becomes more difficult to tease out the specifics. This difficulty is replicated at the state level, making estimations difficult though not impossible. Despite these challenges, attempts to calculate the numbers are currently being made, and the work that has become available demonstrates that the sheer numbers of residents of Illinois, Cook County, and Chicago with criminal records are staggering, and considering the myriad challenges people attempting to re-enter society from incarceration face, the issue amounts to no less than a public emergency.

II. THE STATE OF RE-ENTRY IN ILLINOIS: A LOOK AT THE NUMBERS

According to the Prison Policy Initiative, within the American criminal justice system there are approximately 2.3 million people incarcerated within 1,833 state prisons, 110 federal prisons, 1,772 juvenile correctional facilities, 3,134 local jails, 218 immigration detention facilities, and 80 Indian Country jails.[17] More than 600,000 Americans are released from prisons each year, and the number of people who enter and leave jails each year has been estimated at 9 million.[18] *In fact, if all Americans with arrest records were combined into a single nation it would be the world's 18th largest country.* Estimates show that by age 23 nearly 33 per cent of Americans will have an arrest record, and Bucknor and Barber contend that in the U.S., one-third of the adult population are subject to the collateral consequences of involvement with the criminal justice system.[19] In 2020, the racial disparities within the criminal justice system are widely known, yet still Black people are incarcerated in state and federal prisons at a rate almost six times that of whites, and nearly double the rate for "Hispanics".[20] In fact, the disparity in arrest rates is so systemic

[17] Wagner, W. (2020). Mass Incarceration: The Whole Pie 2020. Retrieved from <https://www.prisonpolicy.org/reports/pie2020.html>.
[18] Leverentz, A. M., Chen, E. Y., Christian, J., & Maruna, S. (2020). *Beyond recidivism: New approaches to researchon prisoner reentry and reintegration*. New York: New York University Press.
[19] Buckner, C., & Barber, A. (2020, February 6). The Price We Pay: Economic Costs of Barriers to Employment forFormer Prisoners and People Convicted of Felonies. Retrieved from <https://cepr.net/report/the-price-we-pay-economic-costs-of-barriers-to-employment-for-former-prisoners-and-people-convicted-of-felonies/>.
[20] Weidner, R. R., & Schultz, J. (2019). Examining the relationship between U.S. incarceration rates and populationhealth at the county level. *SSM - Population Health, 9*, 100466. doi:10.1016/j.ssmph.2019.100466.

that midlife physical health disparities found to exist along racial lines are due *primarily to disproportionate rates of incarceration*.[21] "Over the past quarter century, there has been a profound change in the involvement of women within the criminal justice system. This is the result of more expansive law enforcement efforts, stiffer drug sentencing laws, and post-conviction barriers to re-entry that uniquely affect women."[22]

The re-entry crisis in Illinois holds astounding economic and psychological consequences for impacted individuals, their families and the larger communities. There are over 3.3 million Illinoisans[23] and over 1.7 million individuals with arrest and conviction records in Chicago, Cook County, with an average of 54 per cent of Illinois residents returning from IDOC facilities to Chicago-Cook County every year between 2005 and 2019.[24] The Illinois Sentencing Policy Advisory Council (SPAC) calculates that the cost of each individual reconviction costs taxpayers an average of $151,662.[25] Considering that 17 per cent of formerly incarcerated people will reoffend within one year while 43 per cent will reoffend within three years, the cost to Illinois taxpayers could reach $13 billion by 2023.[26]

As in all fields, gender inequities are of great significance within issues related to mass incarceration. Despite national trends towards declining incarceration rates, nearly all of the decrease in the number of people in state prisons since 2009 has been among men, with women's prisons actually growing by 834 per cent over the past 40 years, doubling the rate of men over the same period.[27] This will be critical work, as evidence shows that once released from incarceration the collateral consequences of having a record make finding employment, housing and financial support even more difficult for women.[28] As stated in The Sentencing Project's fact sheet Incarcerated Women and Girls, "Over the past quarter century, there has been a profound change in the involvement of women within the criminal justice system. This is the result of more expansive law enforcement efforts, stiffer drug sentencing laws, and post-conviction barriers to re-entry that uniquely affect women."[29] This is a critical factor to keep in mind throughout this report, and while this work wishes to draw attention to the challenges specifically faced by women, the topic will be more fully investigated in future research

That the United States' system of mass incarceration is institutionally racist is well

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[21] Ibid.
[22] Hill, H. (2019, July 10). Incarcerated Women and Girls. Retrieved from <https://www.sentencingproject.org/publications/incarcerated-women-and-girls/>.
[23] Heartland Alliance 2020 Poverty Report. (2020). Retrieved from <https://www.heartlandalliance.org/heartland-alliance-2020-poverty-report/>.
[24] Illinois Department of Corrections, "Annual Reports," www.illinois.gov (Illinois Department of Corrections), accessed 20 September 2020, <https://www2.illinois.gov/idoc/reportsandstatistics/Pages/AnnualReports.aspx>.
[25] Illinois Sentencing Policy Advisory Council. (2018). Illinois Results First: The High Cost of Recidivism 2018 Report.Retrieved from <https://spac.illinois.gov/publications/cost-benefit-analysis/high-cost-of-recidivism-2018>.
[26] Ibid.
[27] Prison Policy Initiative, P. (2018, January 9). The Gender Divide: Tracking women's state prison growth. Retrievedfrom <https://www.prisonpolicy.org/reports/women_overtime.html>.
[28] Ibid.
[29] Hill, H. (2019, July 10). Incarcerated Women and Girls. Retrieved from <https://www.sentencingproject.org/publications/incarcerated-women-and-girls/>.

documented,[30] yet there remains little political will to alleviate the structural issues that have plagued our communities for hundreds of years. Across the United States, Black people and people of colour are arrested at higher rates than that of whites. In fact, Black people are incarcerated in state prisons at rates five times higher than those of white people.[31] This is perhaps best exemplified by the fact that while drug use rates are approximately the same among white and Black people, Black people are almost four times as likely to be arrested for a drug offence as white people.[32] This disparity has been so consistent that research shows that the racial disparities in incarceration cannot be explained by crime rates alone, and point toward social factors.[33] This is corroborated by the fact that serious crimes such as homicide do not show the same racial disparities that are apparent for more minor crimes such as those related to drugs.[34] In fact, the racial disparities increase the further along the legal process an individual moves.[35] This suggests biased processes inherent within the system itself.

According to recent research presented by the Heartland Alliance within their 2020 Poverty Report, since 1979 at least 3.3 million adults within Illinois have been arrested or convicted of a crime (904,729 women and 2,314,877 men).[36] Of these arrests, 1.2 million resulted in convictions (36.7%), 602,201 of which were felony convictions (18.5%).[37] Arrest and conviction numbers show that Black people are disproportionally represented in Illinois. For example, while Black people make up only 13.8 per cent of Illinois' adult population, they make up 34.9 per cent of the individuals convicted of crimes overall, and 45.3 per cent of those convicted of felonies.[38] The disparity is clear when the numbers are compared against arrest rates for white people. While white people make up 73.2 per cent of Illinois' adult population, they only account for 64.4 per cent of criminal convictions, as well as only 47.8 per cent of those convicted of felonies.[39]

Numbers for people exiting IDOC facilities for the past 15 years have been on average 32,018 (median: 30,639).[40] Those who have been mandated to stay in Illinois for parole have been on average 28,799 (median: 28,043).[41] As of September 2020, there were approximately 31,010 people in the custody of the Illinois Department of Corrections.[42] This was down from a total of 32,500 in June 2020, which is indicative of a gradual decrease from 36,900 in March 2020 resulting from the initiation of early release at the

[30] Balko, R. (2020, June 10). Opinion | "There's overwhelming evidence that the criminal justice system is racist. Here's the proof." Retrieved from <https://www.washingtonpost.com/graphics/2020/opinions/systemic-racism-police-evidence-criminal-justice-system/>.
[31] Nellis, A., & Hill, H. (2019, January 10). The Color of Justice: Racial and Ethnic Disparity in State Prisons. Retrievedfrom <https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>.
[32] Ibid.
[33] Ibid.
[34] Ibid.
[35] Ibid.
[36] Heartland Alliance 2020 Poverty Report. (2020). Retrieved from <https://www.heartlandalliance.org/heartland-alliance-2020-poverty-report/>.
[37] Ibid.
[38] Ibid.
[39] Ibid.
[40] Illinois Department of Corrections Prison Population Data Sets. <https://www2.illinois.gov/idoc/reportsandstatistics/Pages/Prison-Population-Data-Sets.aspx>.
[41] Ibid.
[42] Ibid.

beginning of the Covid-19 quarantine period.[43]

Cook County is the largest county in Illinois and one of the largest in the United States with an estimated 5,277,575 residents in 2016.[44] Of those on parole, 15,555 return to Cook County on average (median: 15,215) each year.[45] Chicago is by far the largest city in Cook County, accounting for 52 per cent (2,714,017) of the entire population in 2016. Based on arrest data for the City of Chicago, between 2001 and 2019, there was a total of 1,943,597 arrests in Chicago according to the City of Chicago's Data Portal. Unfortunately, there is no way to track the portion of arrestees who have never been arrested; however, as discussed above it is feasible that at least 1,782,000 Chicagoans have arrest or conviction records. Based on IDOC's Prison Population Data Set for 31 December 2019, the number of inmates with exits planned for 2020 was 12,116 (10,329 to be released to parole supervision plus 1,787 whose sentence is scheduled to be discharged during 2020). However, considering the return rate of 35 per cent, for the immediate future this suggests approximately 4,240 former inmates would return to Chicago during 2020 (n.d.). However, this estimation was developed prior to the rise of the Covid-19 pandemic, and the acceleration of early release means that this number will increase for so long as the pandemic maintains its momentum. Research has shown that as recently as 2019 the City of Chicago was home to 35 per cent of returning residents released from Illinois state prisons.[46] Of these, nearly all returned to six of the Chicago's 77 Community Areas: Austin, North Lawndale, East Garfield Park, West Englewood, Humboldt Park, and Englewood.[47]

Given the scope of the personal and financial costs of mass incarceration within Illinois, it has become evident during the pandemic that in order to understand the true impact of mass incarceration upon individuals, family and society there must be a sustained effort to support and fund community-based applied research efforts. Within this, research efforts that are based in an equitable collaboration between community-based organizations and research institutions will go a long way in finding the most effective means of organizing and delivering critical services.

III. SOCIAL DETERMINANTS OF HEALTH AND RECIDIVISM

A conversation about the social determinants of health can help us to better understand the long-term effects of mass incarceration on individuals. The United States Office of Disease Prevention and Health Promotion describes the social determinants of health as "conditions in the environments in which people are born, live, learn, work, play, worship, and age that affect a wide range of health, functioning, and quality-of-life outcomes and risks".[48] In consideration of this, Dr. Keesha M. Middlemass defines a felony conviction as a "social disability", explaining that those convicted of felonies:

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[43] Ibid.
[44] Loyola University Center for Criminal Justice Research: Cook County's Criminal Justice System: Trends and Issues Report: 2nd Edition. (2019, November). Retrieved from <https://www.luc.edu/media/lucedu/ccj/pdfs/CookCountyTrendsandIssuesReportNovember2019.pdf>.
[45] Illinois Department of Corrections Prison Population Data Sets. <https://www2.illinois.gov/idoc/reportsandstatistics/Pages/Prison-Population-Data-Sets.aspx>.
[46] Carson, E. A. (n.d.). Bureau of Justice Statistics: Prisoners in 2018. Retrieved from <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6846>.
[47] Ibid.
[48] Office of Disease Prevention and Health Promotion. (n.d.). Social Determinants of Health. Retrievedfrom <https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-of-health>.

> are legally disabled and incapacitated which limits their ability to engage with and in society. Once someone is convicted of a felony, his or her conviction carries an unexamined power over his or her body. When felons exit prison, society stigmatizes, discredits, and fears them, which results in a societal exclusion that is more complete than for adults living with a disability.[49]

Having a record, regardless of having "served one's sentence," condemns people to a lifetime of hardship by systematically negatively impacting the primary social determinants of quality of life, like safe housing, health care, education, sustainable job opportunities, job trainings, social supports, exposure to violence and the associated effects of concentrated poverty.[50]

A substantial body of research has established that there are a common set of socioeconomic obstacles to re-entry. These are:

- Housing insecurity caused by a "lack of access to affordable housing and housing discrimination";
- Unemployment, resulting from "lack of education and skills, lack of experience", discrimination and stigma from incarceration";
- Substance abuse disorder.[51]

Navigating the systems that surround these social determinants are made infinitely more complex when one has an arrest record or conviction, which can easily result in a cycle of poverty and recidivism that directly impacts family and in turn the greater community. Research shows that the close quarters involved with incarceration has negative effects on community-level social dynamics as well as public safety and health disparities.[52] The concentration of justice-impacted individuals can lead towards a stigmatization of the community, leading towards the criminalization of the medically underserved, spiralling educational achievement gaps and family dissolution as children lose parental support, both emotional and financial.[53] High rates of incarceration can become "criminogenic rather than deterrent, increasing the likelihood of victimization and associated stressors among members of high-incarceration communities".[54] In fact, research shows that mass imprisonment as a national policy may be harming the physical health of black women in particular by increasing the likelihood of obesity, hypertension, and cardiovascular disease, while the work of Wildeman (2012b) found that incarceration was correlated with substantially increasing the black–white life expectancy gap.[55]

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[49] Keesha M. Middlemass, *Convicted and Condemned: The Politics and Policies of Prisoner Reentry* (New York: NewYork University Press, 2017).
[50] Office of Disease Prevention and Health Promotion. (n.d.). Social Determinants of Health. Retrievedfrom <https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-of-health>.
[51] Jacobs L.A., Katcher K., Krummenacher P., Tonnesen S. (2017) Root & Rebound: An Innovative Program Paintsthe Reentry Landscape. In: Stojkovic S. (eds) Prisoner Reentry. Palgrave Macmillan, New York.
[52] Weidner, R. R., & Schultz, J. (2019). Examining the relationship between U.S. incarceration rates and populationhealth at the county level. *SSM – Population Health, 9*, 100466. doi:10.1016/j.ssmph.2019.100466
[53] Ibid.
[54] Ibid.
[55] Ibid.

Individuals who frequently encounter crisis systems, such as shelters, hospitals, and jails, are more likely to experience negative social determinants of health.[56] A 2015 study by the Prison Policy Initiative found that poverty has a direct correlation to involvement in the justice system. The study found that prior to incarceration incarcerated people had a median annual income 43 per cent lower than non-incarcerated individuals from similar cohorts.[57] Within the study, this factor stood true across gender, race and ethnicity, drawing a direct line between poverty and negative involvement in the justice system. It is important that issues facing re-entry populations and their families and communities be addressed through a concerted policy and programmatic focus that also requires an examination of the root causes of poverty across the state.

For instance, research shows that people with incomes less than 150 per cent of the federal poverty guidelines are 15 times more likely to be charged with a felony than people with incomes greater than 150 per cent of the federal poverty level.[58] In other words, the poorer one is the more likely to be arrested. Furthermore, at least 33 per cent of incarcerated individuals fall under the poverty line at the time of arrest.[59] Poverty is not merely associated with a standard of living but contributes directly to future choices. Research has shown that poverty has a significant effect on cognitive functioning, directly affecting decision-making and the setting of priorities.[60]

Any successful re-entry model must address the six outcomes (health, education, employment, housing, substance use and recidivism) of greatest importance to the re-entry population.[61] Yet, in impoverished and oppressed communities "housing, employment and educational opportunities, transportation infrastructure, and health care services are inaccessible, limited, or nonexistent".[62] Therefore, individuals from low-income families and neighbourhoods are disproportionately impacted by the challenges individuals face upon re-entry.

Despite this available information, in an analysis of data from the Serious and Violent Offender Reentry Initiative (SVORI) evaluation, Gill and Wilson discovered that less than half of the participants obtained the services they required upon re-entry.[63] This is due in part to the lack of "specificity in matching services to individuals' unique risk and need profiles".[64] As of now, there is no triage, no case management, and therefore no organized system within which people re-entering society from incarceration can participate in order to access the variety of services available that can prove critical in ensuring successful re-entry. The absence of an existing system to facilitate re-entry can be overcome with the

[56] Ibid.
[57] Prison Policy Initiative. Prisons of Poverty: Uncovering the pre-incarceration incomes of the imprisoned. (2015,July 9). Retrieved from https://www.prisonpolicy.org/reports/income.html.
[58] Texas Criminal Justice Coalition- Return to Nowhere: The Revolving Door Between Incarceration and Homelessness. (2019, February). Retrieved from <https://www.texascjc.org/system/files/publications/Return%20to%20Nowhere%20The%20Revolving%20Door%20Between%20Incarceration%20and%20Homelessness.pdf>.
[59] Ibid.
[60] Ibid.
[61] Washington State Institute for Public Policy Benefit-Cost Results (2019). Retrieved from <https://www.wsipp.wa.gov/BenefitCost>.
[62] Jonson, C. L., & Cullen, F. T. (2015). Prisoner Reentry Programs. *Crime and Justice, 44*(1), 517-575. doi:10.1086/681554
[63] Gill, Charlotte, Wilson, David B. Improving the success of reentry programs: Identifying the impact of service-need fit on recidivism. Criminal Justice and Behavior. 44, (3), 336-359.
[64] Ibid.

organization and coordination of existing agencies and institutions and the provision of sufficient and reliable resources required to ensure the maintenance and improvement of that system. The following sections analyse the three main socioeconomic obstacles for successful re-entry – housing insecurity, economic mobility and health – compounded with the barriers presented by the criminal legal system, and offers the PEERR Model℠,[65] designed by Safer Foundation as a response to the wave of early releases from prisons in the state of Illinois throughout the pandemic, as a solution to address these obstacles.

A. Housing

Policy and practice in public housing and the private housing markets discriminate against returning residents and create a significant social disability that prevents them from successfully reintegrating intocommunity. Access to safe and secure housing is considered fundamental to successful re-entry upon release from incarceration, yet each year approximately 50,000 Americans enter homeless shelters directly upon release from correctional facilities.[66] For many, family or friends provide the first option for housing after release from a correctional institution. For those who cannot rely on families or friends for housing, even at least temporarily, the other options are transitional housing, homeless shelters, hotel or motels, and homelessness.[67] The necessity for housing is particularly critical for the parolee population because it affords stability for compliance with requirements of release, serves as a base for service provision and facilitates community integration.[68]

The importance of stable transitional housing is made evident by the statistics. In the first national estimates of homelessness among the previously incarcerated, the Prison Policy Initiative found that formerly incarcerated individuals are almost 10 times more likely to be homeless than the general public"; almost 20 per cent of single homeless adults have been previously incarcerated; 15 per cent of incarcerated people experience homelessness in the year prior to being incarcerated; people who have been incarcerated just once become homeless at a rate nearly seven times higher than the general public while those who have been incarcerated more than once have rates of homelessness 13 times higher than the general public.[69] Furthermore, those without access to stable or reliable housing are more than twice as likely to commit additional crimes when compared to those with access to housing.[70] Homeless youth are particularly vulnerable to violence, including victimization and perpetration of violent behaviours according to recent research conducted across seven U.S. cities that found 45 per cent of homeless young adults had experienced direct or indirect gun violence, while 17 per cent had perpetrated gun violence themselves.[71]

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[65] Video recording of PEERR℠ Panel discussion at Safer Foundation's CARRE Conference (October 2020).
<https://www.youtube.com/watch?v=sYoMmD9jHkY&feature=emb_title>.
[66] Cortes, K., & Rogers, S. (2010). Reentry Housing Options: The Policymakers' Guide. Council of State Governments.
[67] Couloute, L. (2018, August). Nowhere to Go: Homelessness among formerly incarcerated people.
[68] Kras KR, Pleggenkuhle B, Huebner BM. (2016). A New Way of Doing Time on the Outside: Sex Offenders'Pathways In and Out of a Transitional Housing Facility. Int J Offender Ther Comp Criminol.
[69] Ibid.
[70] Tran-Leung, M. (2015). When Discretion Means Denial. Sargent Shriver National Center on Poverty Law.
[71] Hsu HT, Fulginiti A, Petering R, Barman-Adhikari A, Maria DS, Shelton J, Bender K, Narendorf S, Ferguson K.Firearm Violence Exposure and Suicidal Ideation Among Young Adults Experiencing Homelessness. J Adolesc Health. 2020 Aug;67(2):286-289.

The interplay of homelessness and incarceration is even more stark when mental health issues are taken into consideration, as 40 per cent of incarcerated respondents in a national survey reported use of mental health services and/or medications for a mental illness, which is a rate twice that found among incarcerated individuals without a history of homelessness.[72] A study conducted by the Department of Justice found that of incarcerated individuals reporting a mental health disorder, 31 per cent had major depressive disorder, 25 per cent had bipolar disorder, 18 per cent had an anxiety disorder and 16 per cent had PTSD.[73]

As is often the case, the issues related to incarceration, homelessness and mental health hit women the hardest. A study by the Marshall Project found that 66 per cent of incarcerated women reported having a history of mental illness, while 20 per cent reported recently experiencing psychological distress while in prison.[74] Considering that formerly incarcerated women are more likely to be homeless than formerly incarcerated men, the cycle of homelessness and incarceration is exacerbated by the higher prevalence of mental health issues reported by incarcerated and formerly incarcerated women.[75]

The increasing criminalization of homelessness coupled with the difficulty in finding consistent mental health resources has created a near hopeless situation, as homeless people are frequently arrested for minor crimes directly related to their condition. The National Law Center on Homelessness and Poverty describes the criminalization of homelessness as "when law enforcement threatens or punishes homeless people for doing things in public such as sleeping, resting, sheltering oneself, asking for donations, or simply existing in public place".[76] A cycle of criminalization and homelessness means that people in poverty find it nearly impossible to extricate themselves, facing an increased risk of reincarceration. This risk is compounded by the inherent dangers of sleeping outdoors, contributing toward difficulty in complying with probation requirements (lack of a stable address); difficulty accessing reliable transportation in order to meet supervision requirements; and loss or theft of personal items, such as cell phones, due to sleeping rough or in crowded shelters.[77] These issues are particularly salient in Illinois.

Many of the clients[78] that come through Safer Foundation experience homelessness after incarceration. One Safer Foundation client, Liam, had been in and out of incarceration since he was 14, as a ward of the Department of Child & Family Services (DCFS) of the State of Illinois. He explains how his record forced him into homelessness and is making it hard to escape poverty:

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[72] Texas Criminal Justice Coalition- Return to Nowhere: The Revolving Door Between Incarceration and Homelessness. (2019, February). Retrieved from <https://www.texascjc.org/system/files/publications/Return%20to%20Nowhere%20The%20Revolving%20Door%20Between%20Incarceration%20and%20Homelessness.pdf>.

[73] Bronson, J., & Berzofsky, M. (2017). Indicators of Mental Health Problems Reported by Prisoners. Retrieved from<https://www.bjs.gov/content/pub/pdf/imhprpji1112.pdf>.

[74] Equal Justice Initiative. (2019). More Incarcerated Women than Men Report Mental Health Problems. (2019,October 16). Retrieved from <https://eji.org/news/more-incarcerated-women-report-mental-health-problems/>.

[75] Couloute, L. (2018, August). Nowhere to Go: Homelessness among formerly incarcerated people.

[76] National Law Center on Homelessness & Poverty. (2019). Housing not handcuffs - Ending the Criminalization ofHomelessness in U.S. Cities.

[77] Texas Criminal Justice Coalition- Return to Nowhere: The Revolving Door Between Incarceration and Homelessness. (2019).

[78] All qualitative interviews were conducted by Christian Flores.

I've never had a house at any point after DCFS. At one point, I stayed at hotels. I was paying the equivalent of rent for a one bedroom for essentially a space no larger than the cell I had in jail. I had no microwave. No refrigerator. No oven. Just a bathroom in the hotel. After spending $800 a month for that space, for a couple months, I decided I could save money and either bunk up with a friend or [live on the streets] and save money. Right now, I'm staying with a friend on the South Side and my IT job is up North. There are only certain times I can be at the house. It affects my ability to get to and from work.

Although Liam has received several support services from Safer Foundation, including finding a job with an IT firm, his inability to access affordable housing is prohibitive and threatens the sustainability of his job. The lack of access to affordable housing makes it difficult to survive even with a basic income. While Safer Foundation can connect people like Liam to other organizations that work more directly with transitional housing and homelessness, the lack of a formalized system or process makes it difficult for clients to navigate on their own. People with records often need to find stopgap solutions, like Liam did with cheap hotels and friends, because transitional housing options are in high demand with little space.

The housing options that most people who experience incarceration are often unsustainable. A survey of 323 Safer Foundation clients found that 75 per cent of clients who were released between March and June of 2020 went home to family or friends.[79] While this may be an initial solution, these living arrangements are often short lived. Evan, another Safer Foundation client, experienced the difficulty of finding sustainable housing after returning from prison. While he was initially able to stay with family, he explains the challenges:

It was really tough because who wants a 'criminal' living [with them]? You don't have money to go anywhere really. Like I have family that lives in Joliet, but they don't want you to be living there. They will because they're family. But it's only gonna be so long you're gonna be able to be on that couch, especially in the suburbs without a car and I didn't have a license... I still don't.

The hostility that Evan felt at home led him back to the streets, where old friends led him back to old habits of substance abuse. Greg was incarcerated again and had to find other living arrangements uponreturn to his community. This time, he had opted to attempt one of the transitional housing opportunities – typically referred to as a "halfway house" – that was promoted by the penitentiary.

However, that option was another gateway to recidivism:

*I had to go to a halfway house [that] was so nasty and dirty. There were bed bugs all over the place. There was people smoking crack and shooting heroine. My roommate [*overdosed*] like four times. And this is the place that came to the prison and told us to come there because they were offering us money. They offered us like $500 if we went there and so everybody was going there and it was literally disgusting. And like those are sanctioned places. I saw the flyer at the prison for*

[79] Otto, Barbara; Flores, Christian. "Prison Emergency Early Release Response (PEERR) 2020 Report." Safer Foundation; Smart Policy Works. October 2020. p. 22.

this place and I went there. So it's like, are you expecting me not drink in this crap? I needed a drink. It was a breeding ground to go back to prison. How can you take someone who was locked up and in prison all this time and then put them at a halfway house where everyone is drinking, everyone is doing drugs, maybe one person is working and expect that person to not go back, to not get involved in all of that. Like, that is a tough pill to swallow. I don't see very many people not going back to those old behaviours that sent them to prison, which is why I got that parole violation. I went back to prison. Not blaming it on anybody else. But I didn't have anything positive.

Safer Foundation found that (IDOC) contracted "halfway houses" – many which were also licensed as recovery homes – were the second most common option for the 323 clients surveyed, with 20 per cent reporting that they were released to a "halfway house."[80] Like Evan, many clients express that these homes felt like hostile environments for recovery. Most survey participants who reunited with family reported having more access to basic needs and financial support than those returning to halfway houses.

However, home is not always a safe place to return to, especially for women. Sylvia, for example, was released from DuPage County Jail in October of 2019, after serving 8 months for an aggravated assault case which she was found not guilty of. To be discharged, she had to prove she had a place to go to. She explains how this stipulation forced her to go back to an abusive relationship for housing:

I went back to a very difficult relationship which I was trying to get away from, from the beginning when I first ended up with them charges. I was in a domestic violence relationship. I ended up catching the case because I was trying to get away from that relationship. That's how I ended up homeless, and I ended up running into that man [who pressed charges]. Being in jail, like I said, I didn't have my family. My family is in... My mother's side of the family lives in Texas and my father's side of the family lives in Puerto Rico, so I really didn't have anybody. So, when I came out of jail, I had no choice but to come back to that person, you know, to that relationship, and things got worse. Things got worse. It was scary, confusing. You know, you go through all these different emotions, because sometimes you can't help who you love because you try to seethe good in people, and then every day they show you how horrible they are, and it's like, I don't know, I guess you grow accustomed to certain things, and it makes it hard for you to get away, to break that cycle.

Despite national trends towards declining incarceration rates, nearly all of the decrease in the number of people in state prisons since 2009 has been among men, with women's prisons growing by 834 per cent overthe past 40 years, doubling the rate of men over the same period.[81] This increase complements the expansion of incarceration begun with the War on Drugs and continues today as drug convictions make up a disproportionately high percentage of convictions for women – in particular, women of colour.[82] Like Sylvia, many women have been increasingly caught up in the criminal legal system as a direct result of

[80] Ibid.
[81] Prison Policy Initiative, (2018, January 9). The Gender Divide: Tracking women's state prison growth. Retrievedfrom <https://www.prisonpolicy.org/reports/women_overtime.html>.
[82] Heartland Alliance 2020 Poverty Report. (2020). Retrieved from <https://www.heartlandalliance.org/heartland-alliance-2020-poverty-report/>.

their attempts to resist or escape from abusive situations. Many states' policies effectively limit women's options when attempting to respond to gender-based abuse and discrimination, such as limiting women's options for self-defence in cases of domestic violence; criminalizing running away among abused minors; and criminalizing "misbehaviour" by school-aged girls.

To get away from that hostile home situation, Sylvia attempted to live in a shelter. However, she explains how the shelter she stayed at was not habitable either:

> *Due to the pandemic, they haven't had domestic violence shelters available because they've been maxed out. There have been shelters that at first I was able to go, but right now with this pandemic has been difficult. The last shelter I was in, it was rough. It was rough, because it wasn't a domestic violence, it was like a last-minute resort kind of thing that they opened up, so they had to put me in that shelter. The experience wasn't too good, for the fact of the background that I come from. It didn't make it easy, because it was male and female mixed, so it really made it hard in there. They had certain people on their staff during the night that really made me feel, not only myself, but other people that were there with me, they made us feel like our life could have been in danger, you know. They weren't doing no background checks, they weren't really doing much to uphold the safety, the welfare of people. They were letting just people come and go, especially in this pandemic, so, yeah, it was a pretty hard experience*.

The difficulty of acquiring housing is compounded when gender is factored in. Secure housing options for women are scarce in Illinois. In Chicago, there exist 19 domestic violence shelters for women. Outside of Chicago, there are only 47 domestic violence shelters in the rest of the state, most of them concentrated in the suburbs of Chicago.[83] The lack of safe housing options for women re-entering society leads many back to the streets, unable to recover.

In the State of Illinois, research by the Metropolitan Planning Council (MPC) and Illinois Justice Project (IJP) has shown that the lack of affordable permanent housing options for people returning to the community means that as many as 60 per cent of unsheltered men and 58 per cent of women report being previously incarcerated, while 40 per cent of women report being unable to pay rent.[84] Research conducted by the Chicago Coalition for the Homeless shows that each year as many as 1,200 people are released directly from prison to homeless shelters in Chicago, with 48 per cent of individuals living in emergency shelters reporting a felony conviction.[85] Given the need, it is noteworthy that the State of Illinois does not set aside specific funding to provide or support housing for the re-entry population.[86] These estimates likely understate the problem because counting the intermittently homeless is not a full measure of homelessness, which should include those who have experienced homelessness for sustained periods in the last year (the causes of homelessness last longer than an individual's last night on the street), and as such, "there

[83] <https://www.dhs.state.il.us/page.aspx?item=31886>.
[84] Metropolitan Planning Council. (2019). Re-entry Housing Issues in Illinois: The Current Situation, Challenges, and Possible Solutions.
[85] Hamlin, M. (2017). Giving Prisoners Another Chance Through Affordable Housing. Retrieved from <https://www.bloomberg.com/news/articles/2017-08-10/giving-prisoners-another-chance-through-affordable-housing>.
[86] Ibid.

is not yet a way to calculate this fuller picture of homelessness among formerly incarcerated people".[87]

B. Economic Mobility and Opportunity

According to the World Health Organization, poverty is the single largest determinant of health.[88] The correlation between imprisonment and poverty is starkly revealed when considering that a National Institute of Health study found that 90 per cent of people with criminal records were food insecure.[89] Food insecurity is one symptom of the negative lifelong effects of mass incarceration, as people typically have poor employment outcomes for years to come upon release from incarceration, as well as low earnings when able to find work. This results in a weak attachment to the formal sector.[90] Research shows that nationwide, 66 per cent of people on probation make less than $20,000 per year, and approximately 30 per cent of people on probation make less than $10,000 per year, an amount much lower than the official poverty line.[91] In fact, Looney and Turner found that in the first full calendar year after release, a mere 55 per cent of people with records reported any earnings at all.[92] The work of Saluja and Rosen found that between 40 to 50 per cent of people with criminal records report no annual income quite a few years after a period of imprisonment while wage growth itself, even when people with records are able to find a job, is reduced by over 30 per cent for those with criminal records.[93] Even those that were able to find jobs often wereonly able to secure low-paying jobs, with a median annual pay of $10,090 while only 20 per cent of individuals reporting earned incomes above $15,000.[94] These numbers look even more bleak when considering the research findings that imply that each additional year of incarceration diminishes earnings potential by as much as 12 per cent and future earnings growth by as much as 30 per cent.[95] Unsurprisingly, the earning gap between men and women persists even within prisons, where women make less than men.[96] Even after leaving prison, women typically have

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[87] Couloute, L. (2018, August). Nowhere to Go: Homelessness among formerly incarcerated people.

[88] World Health Organization: Regional Office for Europe. (2020, November 17). Poverty and social determinants.Retrieved from <https://www.euro.who.int/en/health-topics/environment-and-health/urban-health/activities/poverty-and-social-determinants>.

[89] Cook County Food Access Task Force. Final Recommendations: Improving Food Access for Individuals withJustice-System Involvement and Their Families. (2020, May 13). Retrieved from <https://www.chicagosfoodbank.org/wp-content/uploads/2020/06/2020_CCFATF-Report.pdf>.

[90] Looney, A., & Turner, N. (2018, March 14). Work and opportunity before and after incarceration. Retrieved from<https://www.brookings.edu/research/work-and-opportunity-before-and-after-incarceration/>.

[91] Finkel, M. (n.d.). New data: Low incomes – but high fees – for people on probation. Retrieved from <https://www.prisonpolicy.org/blog/2019/04/09/probation_income/>.

[92] Looney, A., & Turner, N. (2018, March 14). Work and opportunity before and after incarceration. Retrieved from<https://www.brookings.edu/research/work-and-opportunity-before-and-after-incarceration/>.

[93] Saluja, S., & Rosen, H. (2019, August 22). Why public health practitioners should care about job prospects forpeople with criminal records: Employment challenges and successful prison and jail reentry. Retrieved from <https://harvardpublichealthreview.org/why-public-health-practitioners-should-care-about-job-prospects-for-people-with-criminal-records-employment-challenges-and-successful-prison-and-jail-reentry/>.

[94] Looney, A. (2018, March 20). 5 facts about prisoners and work, before and after incarceration. Retrieved from<https://www.brookings.edu/blog/up-front/2018/03/14/5-facts-about-prisoners-and-work-before-and-after- incarceration/>.

[95] Looney, A., & Turner, N. (2018, March 14). Work and opportunity before and after incarceration. Retrieved from<https://www.brookings.edu/research/work-and-opportunity-before-and-after-incarceration/>.

[96] Prison Policy Initiative, P. (2018, January 9). The Gender Divide: Tracking women's state prison growth. Retrievedfrom <https://www.prisonpolicy.org/reports/women_overtime.html>.

lower wages, lower employment rates and higher rates of underemployment than men.[97]

These numbers illustrate the myriad difficulties that individuals re-entering from incarceration face, not least of which is widespread employer discrimination correlated with a rise in the use of criminal background checks. Data from the Federal Bureau of Investigation (FBI) shows that between 2010 and 2014, the utilization of criminal history records for non-criminal justice reasons increased 22 per cent, with 30 million records provided.[98] In consideration of this, a survey conducted among employers in 2012 found that 69 per cent reported regular use of criminal background checks,[99] and a 2009 study conducted by the Justice Department found that a criminal record of any kind reduces the chances of a job offer by half, with a compounded effect being felt by Black job applicants as compared to white applicants.[100] This is significant not only for people with convictions on their record, but also for those Americans who merely have an arrest record. As has been found, background checks sometimes do not make a distinction between arrests that led to a conviction and those that did not, adding unwarranted punishment and pressure upon people. This line of reasoning stands in contrast to available evidence, as research shows that individuals with records are no more likely to be arrested than any other person on the street.[101]

Research suggests there is an inherent racism intertwined with the system of background checks by hiring entities. Indeed, white applicants who themselves have records actually receive more job callbacks than Black applicants, even when the Black applicants are equally qualified and do not even have a criminal record.[102] Compounding unofficial, employer-based discrimination, people with records must face institutional obstacles as well. Within Illinois, there exist 1,189 unique collateral consequence laws of which 982 create severe obstacles to gaining employment.[103] Collateral consequence laws can be understood as the "legal disabilities imposed by law as a result of a criminal conviction regardless of whether a convicted individual serves any time incarcerated".[104] These difficulties often relegate people with records to low paying jobs, contributing to maintaining individuals and families trapped in poverty and fostering a potential spiral back towards recidivism. In fact, sustainable employment with a living wage can be an important factor in whether an individual feels they must engage in criminal activities simply in order to survive. Duane, La Vigne, Lynch and Reimal (2017) state that individuals with records who earn $10 or more per hour are less likely to be imprisoned

[97] Heartland Alliance 2020 Poverty Report. (2020). Retrieved from <https://www.heartlandalliance.org/heartland-alliance-2020-poverty-report/>.
[98] Ibid.
[99] Friedman, M. (2015, November 17). Just Facts: As Many Americans Have Criminal Records as College Diplomas.Retrieved from <https://www.brennancenter.org/our-work/analysis-opinion/just-facts-many-americans-have-criminal-records-college-diplomas>.
[100] Pager, D., & Western, B. (2009). Investigating Prisoner Reentry: The Impact of Conviction Status on the Employment Prospects of Young Men. Retrieved from <https://www.ojp.gov/pdffiles1/nij/grants/228584.pdf>.
[101] Blumstein, A., & Nakamura, K. (2009). 'Redemption' in an era of widespread criminal background checks.*PsycEXTRA Dataset*. doi:10.1037/e516022010-003.
[102] Heartland Alliance 2020 Poverty Report. (2020). Retrieved from <https://www.heartlandalliance.org/heartland-alliance-2020-poverty-report/>.
[103] Ibid.
[104] Collateral Consequences of Criminal Convictions Judicial Bench Book (2018, March). Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/251583.pdf>.

again than corresponding individuals earning lower wages.[105]

Considering the uphill battle those with records face in finding stable, sustainable employment, it is not difficult to understand why some make the decision to participate in the informal economy, potentially risking re-arrest, simply as a strategy of survival. Many Safer Foundation clients like Evan experience this uphill battle several times. Even though Greg was a high school graduate and had some college education, he found it nearly impossible to find a job that paid a living wage. He explains:

> *The jobs [I had post-incarceration] were like... it wasn't that hard, but those weren't really jobs. Everything was through temp services. It was like you are an employee, but you don't have any benefits. So it was like you're just a number to them. So I was like "Oh yeah, they're offering you ten dollars an hour." Which is, you know, if you don't have any money coming in, ten dollars an hour sounds great. But this company that referred you, they are getting $16. So, you're working to give them six dollars, you know what I mean? There's no moving up in the company, you know, no that's not gonna happen… But when you don't have any skills and you don't have anything to offset those background checks and stuff like that, it's like, what kind of job can you really get… It's a rock and a hard place. Cause when do you have time to go to school without working?*

In order to offset the stigma of his conviction, Evan needed some form of education. Clearly, the solution is to provide alternatives as well as access to the knowledge, experience and skills required to participate in the twenty-first century economy. It is here where the role of in-prison educational opportunities, as well as post-release educational programming is critical. Considering that nearly two thirds of new jobs created since 2010 require a minimum basic digital competence,[106] and the fact that many employers are hesitant to hire individuals with records, providing access to relevant educational opportunities is a critical step in successful re-entry, and plays a direct role in attaining sustainable employment and upward mobility. Research shows that most people who enter correctional institutions have "limited marketable work experience, low levels of education or vocational skills" to begin with, and as such need suitable educational opportunities to develop knowledge and skills.[107] Harlow found that 31 per cent of offenders on probation had not finished high school or acquired a GED compared with 18 per cent of the general population.[108] Considering that educational attainment directly impacts job prospects, job placement, and opportunities to advance on the job, the necessity of educational opportunities for incarcerated individuals is paramount. Not surprisingly, access to employment with sustainable wages also directly lessens the chances of recidivism.

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[105] Duane, M., Reimal, E., & Lynch, M. (2017). Criminal background checks and access to jobs. Retrieved from <https://greaterdc.urban.org/sites/default/files/publication/91456/2001377_criminal_background_checks_and_access_to_jobs_dc_case_study_1.pdf>.

[106] Muro, M., Liu, S., Whiton, J., & Kulkarni, S. (2018, October 12). Digitalization and the American workforce. Retrieved 3 March 2021, from <https://www.brookings.edu/research/digitalization-and-the-american-workforce/>.

[107] Solomon, A., Osborne, J., LoBuglio, S., Mellow, J., & Mukamal, D. (2008). Life After Lockup: Improving reentry from jail to the community. Retrieved from <https://www.ojp.gov/library/publications/life-after-lockup-improving-reentry-jail-community>.

[108] Bureau of justice statistics special report education and correctional populations (2003). US Department ofJustice, Office of Justice Programs. Retrieved from <https://www.bjs.gov/content/pub/pdf/ecp.pdf>.

Despite the fact that in-prison education has been proven to be a significant means of reducing recidivism, more effective even than more aggressive approaches such as boot camps and even vocational development, access to education has been difficult within prisons.[109] Historically, most in-prison college programmes have been dependent upon federal aid such as Pell Grants, and as such dependent upon the decisions of policymakers.

The rise and precipitous decline in educational opportunities in prisons is an artifact of the chilling effect the 1994 Violent Crime Bill had upon educational opportunities for incarcerated people. In 1982 nearly 27,000 incarcerated individuals were enrolled in a total of 350 college-in-prison programmes (9% of the national prison population that year).[110] By the 1990s, estimates show that the number of available in-prison college programmes had grown to 772 (a 121% increase from the previous decade) and were operating in 1,287 correctional facilities.[111] Despite this positive trend, policy decisions in the 1990s led to a drastic decrease in in-prison college opportunities which has had cascading effects on individuals, families, communities, and as shown above, on local, state and the national economy. The decline primarily began in earnest in 1992 when people serving life sentences without parole and those sentenced to death became ineligible to access Pell Grants. This policy change was followed in 1994 by the Violent Crime Control and Law Enforcement Act, which banned anyone incarcerated in prison from receiving federal Pell Grant aid.[112] The impact on in-prison college opportunities was dramatic, with estimates showing that by 1997 there were only eight in-prison college programmes across the entire United States (down from 772 in the 1990s).[113] In addition, access to educational opportunities was often further restricted at the state level, with many states following the federal government's example to increase restrictions on accessing funds within regional programmes.

Nearly a decade later, in 2005 there existed a mere 12 prison programmes despite the fact that research released that very same year found that recidivism rates were 46 per cent lower for those who participated in prison education programmes versus those who had not.[114]

The first light began to appear in 2016 when the Education Department's New Second Chance Pell Pilot Program was released, expanding college access to 12,000 incarcerated individuals in partnership with 68 universities throughout the country.[115] Still, this number remains 56 per cent lower than the enrolment rates of the early 1980s. Ironically, as of 2015 approximately the same number of Americans had criminal records as had four-year

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[109] Prison Studies Project (2018). Why prison education? Retrieved from <https://prisonstudiesproject.org/why-prison-education-programs/>.
[110] Sawyer, W. (2019, August 22). After Pell Grants were cut, college participation in prisons dropped by half. Retrieved from <https://news.prisonpolicy.org/t/ViewEmail/r/45EC2A695D322EE62540EF23F30FEDED/36BCA921E95808A5DDA3541AF197FE1F>.
[111] Ibid.
[112] Ibid.
[113] Ibid.
[114] Prison Studies Project (2018). Why prison education? Retrieved from <https://prisonstudiesproject.org/why-prison-education-programs/>.
[115] U.S. Dept. of Education (2016, June 24). 12,000 incarcerated students to enroll in Postsecondary educationaland training programs through Education department's new second chance Pell pilot program. Retrieved from <https://www.ed.gov/news/press-releases/12000-incarcerated-students-enroll-postsecondary-educational-and-training-programs-through-education-departments-new-second-chance-pell-pilot-program>.

college degrees.[116]

Organizations like Safer Foundation are essential to mitigate the challenges to work for folks with arrest and conviction records. Through a broad spectrum of supportive services, Safer Foundation offers clients the tools they need to acquire stable employment, including intensive case management that can help clients access behavioural health treatment, training and certificate programmes, resume and interview coaching, and legal services. Working with legal service providers like Rights and Restoration Law Group, Legal Aid Chicago, and Cabrini Green Legal Aid, Safer Foundation can connect clients with lawyers to seal and expunge their records, obtain executive clemency, and acquire waivers needed to work in certain industries with a record, such as health-care worker waivers and Federal Deposit Insurance Corporation (FDIC) waivers for the financial industry. Tiana was one client who had a lengthy arrest and conviction record for offences committed in the 1990s. In 2017, she was able to get all but three records sealed through a Safer Foundation programme looking to pair people with arrest and conviction records with jobs in the health-care industry. Working with Cabrini Green, she got the remainder of her records sealed. In an interview, Tiana expressed a tremendous sense of joy:

> *My background sealed now, the story is, ain't no stopping me! I'm going to the top now! I got them three [records] sealed. Yes. Two years. Two years of me working hard, crying, you know, trying to get it done so I can work at the jobs I'm working now. So after I got them sealed, my first job was at West Suburban Hospital. I did three years there. So I resigned from them, you know you gotta go out right, 'cause Chicago Public Schools had got me a job. So I gave them a two week's notice. They did not want me to leave because by me working through warehouses and labor-ready, they was letting us come in with backgrounds. That's how I got my experience for my resume. I had a resume...*

Through the legal relief options Safer was able to offer Tiana, her job prospects were instantly amplified. She no longer had to worry about being rejected by workforce screening companies because of her record, and she was able to get stable jobs at schools and hospitals for the first time in her life.

While clients explore their legal relief options, Safer Foundation works on building out the connections to get them successfully employed. Clients are prepared for the workforce through several job readiness programmes. Safer Foundation then creates relationships with employers in diverse industries, like JP Morgan Chase Bank, West Suburban Hospital, Freedman Seating, and Jolt Technologies. Account Executives at Safer then work to educate these organizations on the benefits of hiring people with records, including higher retention rates and company loyalty. Account Executives build out pipelines of highly trained candidates to match with these employers. This relationship gives clients from Safer Foundation a foot in the door. Through Safer Foundation's services and thoughtful case management Evan was able to find a good paying job that provides a higher standard of living and a brighter future.

> *I've been working at Freedman for nine months and I got two raises and a promotion in two months… Ernest [Safer Foundation Account Executive] was a*

[116] Friedman, M. (2015, November 17). Just Facts: As Many Americans Have Criminal Records as College Diplomas. Retrieved from <https://www.brennancenter.org/our-work/analysis-opinion/just-facts-many-americans-have-criminal-records-college-diplomas>.

big help! Everything that I told him was going on, he listened and he did what he could. I got a CNC Mill and a Material Safety and Data certifications. Without that certification I would never have gotten this job. I had never seen a dial caliber. I didn't know what a micrometer was. I had never even seen a blueprint before. Without Safer I would've never gotten any of that stuff. Like, it's insane to see where my life was two years ago and like where I am now. I went on vacation! I actually was at my job long enough that I get vacation days! I'm going to Bali. I'm like... dude, to think this person... I was homeless! I was sleeping in a truck. From sleeping in a truck and going to Bali in two years. So the sky's the limit. I just wanna be happy and just peaceful… Remain grateful for the opportunity and take advantage of what you've been given, you know what I mean? Just take advantage of what it is. And then try to change it into what you want it to be.

These job readiness and certificate programmes were able to give Evan the education he needed to overcome the stigma of his record. Once in the workforce, Greg proved himself a loyal and competent worker and was quickly promoted. However, if Evan had never found Safer Foundation, his potential may have never been discovered.

The reality is that people with arrest and conviction records have a lot of untapped potential that is being withheld from the economy. People who have experienced incarceration have a unique life experience to share and build on. Their perspective is invaluable. Liam, for example, has used his experience to create innovative ideas in the world of app development. Liam went through the Safer Foundation IT Training Program and successfully gained employment. He explains:

I currently work for [an app development] company. There's over 29,000 laundromats in the USA, mostly in inner cities and underserved communities. I'm working on an app [that] brings people with washers and dryers into the gig economy... It's exciting to see how this will come along and disrupt a whole industry that historically hasn't really provided economic value to the communities that it served. [At laundromats] all the transactions are done in cash, there's a lot of money that's not reported by those laundromats, therefore, they're not paying taxes on, that's not going back into the communities that they're at. And they're not really employing anyone there within that community, they're not creating jobs in that community, and they're not paying their fair share of taxes. This app could drastically change that.

Liam was able to discover a product that was desperately needed in the communities he was a part of. His life experience and innovativeness, combined with his training in information technology acquired through Safer, allowed him to create a solution to his community's needs. Social services like those provided by Safer Foundation help to potentialize growth and stimulate the economy. Ultimately, if the United States' economy continues to ostracize people with records, it is wasting untapped potential like Liam's.

C. Physical and Behavioural Health

Many of the formerly incarcerated do not receive needed medical treatment despite the necessity for timely and continuous access to care. Despite this, Greifinger argues that the American prison health system does not do enough to ensure that the incarcerated return

to society in good health.[117] Many of those within correctional institutions entered incarceration with existing health-related issues ranging from mental illness to substance abuse histories and/or relatively high rates of communicable diseases. Despite treatment options while incarcerated, often these health difficulties resume upon release and progressively grow more serious due to difficulty in accessing and maintaining care. Any treatment inmates receive while incarcerated usually ends when they re-enter the community due primarily to a lack of health insurance. For example, less than 25 per cent of those with chronic disorders see a physician in the first-year post-release while 80 per cent report no community treatment preceding their last arrest. This is of particular concern as many of the individuals cycling in and out of correctional institutions have above average rates of chronic medical conditions, acute mental health disorders, and substance abuse disorders.[118] Guyer, Bachrach and Shine note that before Medicaid expansion, less than 20 per cent of the incarcerated were enrolled in Medicaid prior to re-entry and more than 60 per cent gained coverage less than a year subsequent to expansion.[119]

According to Binswanger et al., previously incarcerated individuals are "at high risk for death after release from prison, particularly during the first 2 weeks", with the leading causes of death being drug overdose, cardiovascular disease, homicide and suicide.[120] In a study involving previously incarcerated beneficiaries of Medicare fee-for-service found that 1.4 per cent of individuals were hospitalized within 7 days after release, 3.9 per cent within 30 days and 8.3 per cent within 90 days. The study also found that approximately 1.4 per cent of former inmates were hospitalized for an acute condition within seven days of release, and 8.3 per cent by 90 days, a rate much higher than in the general population. Evan illustrates how the vicious cycle of substance abuse perpetuated itself each time he was released:

> *That whole time I was just doing drugs man. Like, I had been able to, like, put together some sober time, you know what I mean? I would stop drinking and stuff like that until like I got an ok job. And then an apartment. But then I would go back to drinking and then like I would lose all of that stuff. And so it was the same thing when I got out of prison. You know like, I got a job, but then I started drinking and like it didn't matter, you know what I mean? It was just like, you know, it's my job to get away with it, it's their job to catch me. A whole messed up thought process behind that, you know what I mean. Not even just thinking about drink – well not drinking, but like thinking about drinking and thinking about how like how selfish I was and how my brain was just warped to think that it was ok to lie and it was ok to hurt people and it was okay to do all of these things, because that's the way the world is. You know what I mean? That's how I used to look at it. Only through God, AA, and Safer. You know, seriously bro, Safer allowed me to go to school to get my*

[117] Greifinger, R. B., Bick, J. A., & Goldenson, J. (2010). *Public health behind bars: From prisons to communities*. NewYork, NY: Springer Science+Business Media.
[118] Bronson, J., & Berzofsky, M. (2017, June). Indicators of Mental Health Problems Reported by Prisoners and Jail Inmates, 2011-12. US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Retrieved from<https://www.bjs.gov/index.cfm?ty=pbdetail>.
[119] Guyer, J., Bachrach, D., & Shine, N. (2015). Medicaid Expansion and Criminal Justice Costs: Pre-Expansion Studies and Emerging Practices Point Toward Opportunities for States. State Health Reform Assistance Network.
[120] Binswanger, I., Al., E., Author Affiliations From the Puget Sound Veterans Affairs Medical Center, Okie, S., Gibney, E., J. H. Beigel and Others, . . . A. G. Letizia and Others. (2007, January 11). Release from Prison - A High Risk of Death for Former Inmates: NEJM. Retrieved from <https://www.nejm.org/doi/full/10.1056/nejmsa064115>.

certifications [manufacturing] and helped out and [helped with] my rent because I had to quit the job that I was at to get into, you know like, the program, cause it was school five days a week, and like they gave me bus passes, you know, so I could go not only to school but to my AA meetings too.

While Evan found alcoholics anonymous and Safer Foundation to support him through his recovery, after years of recidivism, most people who return from incarceration do not find these community resources in time.

Many times, people with arrest and conviction records do not know their health-care options if they do not have a community-based navigator to help them. When talking about the most valuable resources Safer Foundation was able to provide, Liam expressed access to mental health services was chief amongthem:

Besides training and employment resources, transportation to those trainings, have been very helpful, and general guidance on where I can go for treatment for depression or anything like that. Different psychiatrists and therapists they could point me toward or how I can just go about talking to someone... Which I currently do speak to a therapist and psychiatrist on a monthly basis. Thanks to Safer, I was able to find one.

The deep and extensive impact of incarceration in terms of the development of severe, long-term health limitations is laid bare by the fact that any contact at all with incarceration is in general more statistically significant upon health than the degree and extent of contact with incarceration.[121] In other words, one experience with imprisonment is often enough to imprint permanent negative health outcomes. Even the discrimination experienced while searching for employment has been shown to be linked to negative health outcomes such as high blood pressure as well as mental illness.[122] Thus, community-based services that connect people with arrest and conviction records to basic physical and mental health care become necessary for their survival.

As in all aspects of mass incarceration, the stressors associated with incarceration extend beyond the individual to directly impact family members negatively. Research shows that children of incarceratedparents also experience a variety of negative health effects such as ADHD, developmental delays including speech and/or language problems and behavioural issues.[123] According to Turney "Incarceration is likely compounding the disadvantages…setting them further behind, and contributing to racial and social class inequalities in children's health".[124] Children of incarcerated parents experience an array of negative health outcomes, including attention deficit hyperactivity disorder, developmental delays, speech or language problems and behavioural or conduct problems.[125] This impact is so great, that the work of Wildeman et al. show that "mass

[121] Massoglia, M., & Pridemore, W. A. (2015). Incarceration and Health. *Annual review of sociology*, *41*, 291–310.Retrieved from <https://doi.org/10.1146/annurev-soc-073014-112326>.
[122] Pascoe, E., & Smart Richman, L. (2009). Perceived discrimination and health: A meta-analytic review. Retrieved from <https://pubmed.ncbi.nlm.nih.gov/19586161/>.
[123] Morsy, L., & Rothstein, R. (2019). Mass incarceration and children's outcomes: Criminal justice policyis education policy. Retrieved from <https://www.epi.org/publication/mass-incarceration-and-childrens-outcomes/>.
[124] Turney, K. "Stress Proliferation Across Generations? Examining the Relationship Between Parental Incarcerationand Childhood Health," Journal of Health and Social Behavior 55, no. 3 (2014): 302-19
[125] Ibid.

incarceration has increased both intracountry inequality in child health in the United States and intercountry inequality in child health between the United States and other developed democracies."[126] In other words, mass incarceration in the United States has such a high impact on child health that it affects the country's standing within comparative international health indicators.

Women in jails especially report high rates of mental health issues compared to men. Inmates with a past of a mental health disorder, 31 per cent had major depressive disorder, in comparison to bipolar disorder (25%), an anxiety disorder (18%) or PTSD (16%).[127] Combined, poor physical and mental health, the trauma of incarceration and the stigma of having a criminal record make it even more difficult for formerly incarcerated women to find employment, a critical factor in maintaining a healthy, stable life. Sylvia explained her own trauma after being in jail for 8 months:

> *It's a lot of mental abuse with these jails. They think because you're behind bars or behind doors that they take it as, that's a way of them controlling you. They will sit there and have you go through necessities. Simple necessities, like a simple shower or your meal. At times, the food wasn't even up...you know, it was expired or it was just nasty, and they expected us to eat that. I had a lot of females open up to me in this jail and let me know how [the guards] would sit there and record them sometimes. I've seen it...one time, I seen the camera. I was in the hold downstairs in DuPage County, and they brought in a female, and they stripped her naked in front of males. One of the male officers had a camera recording. I heard when this female told an officer, "Please," and I seen it, and they told the officer, "Please, don't be touching me improperly. I'm not..." They ended up fondling her. They put complaints about the sexual assault in there by officers… I've seen it for myself how these officers would take the authority and do whatever they wanted to these people's lives.*

Women have a higher chance of entering incarceration with a history of abuse, trauma and mental health issues and while in prison are more likely to suffer serious psychological stress, often related to the fact that women face sexual abuse by both staff and other incarcerated women. Sylvia, as was mentioned earlier, went back to an abusive relationship after incarceration. After all that trauma, Sylvia did not know how to cope. Treatment options are often lacking or completely unavailable for women who have experienced incarceration.

It was not until Sylvia reached Safer Foundation that she finally had the resources to help her address these traumas:

> *The only health condition I have, and I've been dealing with it, is PTSD, post-traumatic stress disorder, for the, you know, for the things that I've endured in my life and the experiences and the things that have happened to me. They had put me on a few medications, but I noticed that it's no point of you taking any medication when you don't have the other part of the treatment, which is the counseling, the therapy... I am a domestic violence [survivor] right now, [and] that's where Safer*

[126] Wildeman, C., Goldman, A., & Turney, K. (2018, June 1). Parental Incarceration and Child Health in the UnitedStates. Retrieved from <https://www.ncbi.nlm.nih.gov/pubmed/29635444>.
[127] Bronson, J., & Berzofsky, M. (2017). Indicators of Mental Health Problems Reported by Prisoners ... Retrievedfrom <https://www.bjs.gov/content/pub/pdf/imhprpji1112.pdf>.

Foundation also plays in. I'm a new client, and they're helping me with trying to get counseling and things like that. It's been a very hard experience. A lot of people have no way of speaking about their experience because they don't have anyone they can trust, because everyone that has had the opportunity, or has had the resources to help, they take advantage of them resources and they don't use them for good."

Without community-based organizations, Sylvia would have been at a loss. Thanks to Safer, she received the help she needed to recover from her experience with the criminal legal system. In order to ensure that all communities are healthy, the state must aggressively invest in community-based organizations that can connect people with arrest and conviction records to the resources they need.

IV. CRIMINAL LEGAL SYSTEM REFORM

In the State of Illinois and throughout the United States, we disproportionately punish those who are poor, Black, and brown and underserve people with arrest and conviction records, their families, and their communities. The current criminal justice system sets those returning from prison up for failure by limiting their movement, failing to provide access to essential resources, and overscrutinizing technical parole violations. Comprehensive criminal justice reforms designed to reduce incarceration and lessen the impact of collateral consequences will help the state refocus its efforts towards equity and justice. Addressing social determinants of crime and incarceration will require immediate and sustained reform. The recommended policies provide effective alternatives to incarceration and ensure that people receive the services and treatment they need to promote their successful re-entry to society.

Correctional agencies place individuals on electronic monitoring to ensure that they are in compliance with conditions of pre-trial release, probation or parole with little to no regard on the restrictions they place on people's lives. According to a study by the Pew Charitable Trust, electronic monitoring rose 140 per cent in the United States over a 10-year period. For more than two decades, the Illinois Department of Corrections has been using electronic monitoring, which has cost the state over 32.5 million dollars since 2014. Currently 2,400 individuals are on electronic monitoring according to the Illinois Department of Corrections as a condition of mandatory supervised release.

Sean, who served 28.5 years in detention and was released during the pandemic, explains what being on electronic monitoring was like:

About three days after I was out, they'll tell you to stay put and somebody's going to come out to your house and hook an ankle monitor up. I'm on an electronic device where I had to be in the house at a certain time and I could leave the house at a certain time... My movement is seven to seven. That means from seven o'clock in the morning till seven at night, I can move. Any time after that, I'm not supposed to be moving. I'm on there for two months... Then they was rioting from Thursday all the way till Monday of last week. The parole officers call and they say anybody on electronic movement, your movement has been suspended for the whole week. That means Monday till Friday we couldn't leave the house because they were making sure that we wasn't participating in the rioting...

That restriction in movement is severely limiting for returning citizens. The first two months after release are pivotal to readapting to society and going through the processes of becoming a citizen again, from bureaucracy like obtaining a State ID to getting a job. The time restriction also makes it difficult to gain access to part-time employment that operate for overnight shifts or early morning shifts, jobs which are typically more friendly to people with criminal records.

Electronic monitoring renders even the most basic of daily tasks a potentially life altering decision, and small missteps can have cascading effects. As a report by the Greater Chicago Food Depository states, the "restrictions placed on individuals during electronic monitoring may make it difficult for them to go to the grocery store, food pantry, or seek medical attention in a timely way."[128] The strictest conditions of electronic monitoring include but are not limited to:

- Not being allowed to go to a hospital in an emergency without first obtaining permission from the parole officer, regardless of the time of day or the seriousness of the situation.
- No working overtime or changing work schedule without permission from the parole officer.
- Submitting a detailed description of all movements out of the house two weeks in advance, including the departure and arrival details of transportation and household movement and work assignments for jobs (i.e., house cleaning, construction, and gardening)
- Restricted times of bathing
- Drug testing during working hours without the parole agent making prior arrangements with employers.

The Illinois Prisoner Review Board issued a memorandum that, among other things, altered the conditions of electronic monitoring. The rule, effective immediately as of July 2019, requires IDOC to grant those on monitoring at least twelve hours of movement, or time outside of the house. However, the rule is poorly enforced. People in the programme report that they are usually given much less than 12 hours and are not made aware of the new regulation at all.[129]

The concerns surrounding electronic monitoring are exacerbated by the Covid-19 pandemic. As judges release more people from Cook County Jail in response to the coronavirus outbreak, many individuals are being placed on electronic monitoring. Nearly 2,000 people recently released from prison are on electronic monitoring as part of the terms of their release, many of them in Cook County. In May, Cook County Jail announced that it was facing a shortage of electronic monitoring equipment. Due to the shortage, anyone assigned to electronic monitoring will be held at the jail until a judge modifies their bond – a process that could take months. Furthermore, the thousands of people who already had ankle monitors before the pandemic are not getting off them because of court closures, worsening the shortage.

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[128] Cook County Food Access Task Force. Final Recommendations: Improving Food Access for Individuals withJustice-System Involvement and Their Families. (2020, May 13). Retrieved from <https://www.chicagosfoodbank.org/wp-content/uploads/2020/06/2020_CCFATF-Report.pdf>.

[129] Lerner, K., Vaughn, J., Weill-Greenberg, E., & Corey, E. (2019). Illinois loosened Ankle-Monitor restrictions, butadvocates say it's too soon to celebrate. Retrieved from <https://theappeal.org/illinois-loosened-ankle-monitor-restrictions-but-advocates-say-its-too-soon-to-celebrate/>.

A client of Safer Foundation, Warren, explains how after he was released from prison, it was nearly impossible for him to get a State ID – the most basic tool he needed to access his finances, housing and employment – while he was on electronic monitoring:

> *Most of the guys here in the house with me need IDs. So, the DMV was closed. They opened up a couple weeks ago on a Monday, and we went out there that first Monday, and there was over 200 people in line when we got there about 8:30. They closed it off [before we could get our IDs] 'cause there was too many people, they couldn't have too many people, because of the virus, working inside. So, we came back home, and we had decided to come the next day, but later on that day the IDOC parole officer for our whole house, basically told us we couldn't leave. We were on lockdown, no movement until further notice. They give us a 30-day certificate that allows us to redeem the state ID free. We hadn't used it, so I tried to call the Parole office a couple times to let them know I wanted to move, go out and try to get the license. They never called me back after the calls I left for them, three or four times. Once I get my electronic monitoring off, I'm going to try to be down there first in line and just try to go through without. But they talk about August as the time frame, before they're going to start reopening. So that's really kind of hard. We need IDs to do most anything you need to do.*

Parole and electronic monitoring were prohibitive especially during the summer of 2020, amidst the pandemic and social upheaval. We found that several clients, even those who spent only a few months in prison for DUI and other non-violent convictions, were usually on electronic monitoring. Of 273 clients who were surveyed on the condition of their parole, 39 per cent were on electronic monitoring. This limited the movement of clients and in some cases complete lockdown hindered them from getting access to care packages, ID, food, clothing, employment and health-care services.

Those on electronic monitoring who are ill are faced with the challenge of choosing between their own health and the health of their families or being reincarcerated if they violate the restrictions placed on them. Receiving permission to leave the house, even in emergencies, is a process that can take up to three days. For any medical emergency, in order to not to violate monitoring conditions, information including the name and title of the medical personnel and location, the exact time of the appointment, and the mode of transportation must be emailed to the electronic monitoring unit 72 hours in advance. The Cook County Sherriff's office has no data on whether they are tracking how many people on EM have Covid-19.

Data transparency around electronic monitoring in the State of Illinois is severely lacking. Despite, the cost of electronic monitoring and the strict rules people must abide by, there has been little to no research conducted on how well monitoring programmes work. The Illinois Sentencing Policy Advisory Council (SPAC) examined a sample of people under electronic monitoring for people leaving prison between April and June of 2018. The report revealed that the IDOC had no guidelines or criteria when using electronic monitoring.[130] For example, those who have committed sex crimes and violent offences are required under state law to wear an ankle monitor; however, the report shows that those with violent convictions were not given one. The council's report also found that the overwhelming majority of people being tracked had committed nonviolent offences. The

[130] Ibid.

report concludes that there is an increased chance that a low-risk offender will recidivate when placed on an electronic monitor due to technical violations.

In response to this lack of data and information, the Illinois legislature unanimously passed HB0386 which requires correctional officials to release an annual report recording on who goes on electronic monitoring. The data breakdown includes demographic of the monitored population – including race, gender, and age. Agencies must also record whether someone is being monitored because it is mandated by law or according to the Prisoner Review Board. Additionally, correctional officials will need to track what offences people are convicted of, and how many returns to prison due to violations. So far, there has been no issued report by IDOC tracking these new regulations.

Another critical issue facing many is the continued use of cash bail. Across the nation the requirement of cash bail results in minorities being detained in jails at a significant disproportionate rate. Whites who typically have the family and personal wealth to pay cash bail, post bail and are released. Minorities who do not have the family or personal wealth cannot afford to post bond and are detained in jails for the same charges. cash bail is a de facto racially discriminatory system. Detention in jail should be based upon assessment of an individual's flight risk, danger to themselves or the public, not the ability of the person to post cash bail. Safer Foundation client, Sharon, explains how her pre-trial detention upended her life completely:

> *I caught a DUI in 2017. I had never been in any trouble. I had arrests but never been convicted. So, I caught a DUI out in King County and I had to go to jail. Went back and forth with the court for a year and a half and I had to do 12 days in King County Jail to keep my case from being a felony, I didn't want to be a felon. So, I did the 12 days in jail and I was placed on probation, which I'm on probation right now, I get off in December. I hate it when I got my DUI because I had never been in trouble, had never been to jail or anything and I just thought my world would end. I lost my job in the process of that because of what I went through.*

For the last twenty years, the primary driver of mass incarceration has been pretrial detention.[131] Increasingly, people who are not convicted of crimes and awaiting trial are incarcerated in local jails and prisons. Almost 18 times as many people are admitted to jail than in prison annually. And nearly 730,000 people are held in more than 3,000 jails across the US on any given day.[132]

In Illinois, the Pretrial Fairness Act was passed on 13 January 2021 by the state legislature.[133] This law would make Illinois the first state in the nation to end cash bail, if signed by Governor J.B. Pritzker. In order to end the discriminatory criminal legal system, ending cash bail and electronic monitoring are necessary steps that the state and the nation must take.

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[131] Wagner, P., Sawyer, W. (2018). The Prison Policy Initiative. Mass incarceration: The whole pie 2018.

[132] Copp, J.E., Bales, W.D. (2018). Jails and local justice system reform: Overview and recommendations. The
Futureof children, 28(1), 103-124.

[133] Kiran Misra, "Illinois Poised to Become First State to End Wealth-Based Pre-Trial Detention," The Guardian (Guardian News and Media, 21 January 2021), https://www.theguardian.com/us-news/2021/jan/21/illinois-pre-trial-fairness-act-wealth-based-detention.

V. THE PRISON EMERGENCY RELEASE RESPONSE (PEERR℠)[134] MODEL: CREATING FORMALIZED PATHWAYS TO SUCCESSFUL RE-ENTRY

On 6 October 2020, Illinois Governor J.B. Pritzker voiced his support for successful re-entry when he stated the need to "*Prioritize rehabilitation and reduce the risk of recidivism by increasing access to housing and healthcare for returning residents. The state is committed to expanding opportunities, supports, and services for people who are exiting the prison system so that they are set up to succeedupon return to their communities, and which will save taxpayers money by reducing the number of people trapped in a cycle of recidivism."* Well before this announcement, Safer Foundation has been working with community partners to provide the services required for successful re-entry. When the Covid-19 virus began hitting jails and prisons hard, Safer Foundation was able to step up and act when needed most.

At the request of the Governor's Office and in partnership with the Illinois Department of Corrections (IDOC), in March of 2020 Safer Foundation developed an interdepartmental emergency release crisis response team and a hotline to receive and work with the hundreds of people returning to the Community. Dubbed the Prison Emergency Early Release Response team (PEERR℠), this group comprises eight agencies organized to receive referrals from re-entry navigators and provide services, resources and support for individuals released early during the pandemic. The PEERR℠ collaboration began providing immediate, emergency support to Illinois prison inmates and jail releasees who were released early due to the Covid-19 outbreak to limit the spread of Covid-19 in the correctional populations via a hotline set up with the IDOC Director of Reentry and Cook County Jail and continues operating today. Functioning like a Virtual Triage Call Center, PEERR℠ maintains a hotline number provided to inmates at the time of their release. To facilitate a smoother transition and hinting towards the need for the development of pre-release services and planning, IDOC provides a copy of each inmate's release file to Safer with information regarding existing behavioural health issues, physical health, and other confidential but relevant information, upon inmate consent, to ensure each individual is provided with the precise services they require. The PEERR℠ group also established a system to safely and securely assess people upon exit and determine their urgent needs, such as medications, benefit assistance (Medicaid and SNAP), State IDs, immediate cash assistance, housing and clothes, and other immediate needs.

Safer's Reentry Navigators have been working to triage the immediate needs of people returning from incarceration to stabilize them via the services available through the PEERR℠ network of provider partners. Once stabilized they are put on a career pathway for long term self-sufficiency. By addressing these immediate needs and providing socioeconomic opportunities, PEERR℠ is providing people with alternate pathways than a life of crime and reinvolvement with the justice system. To successfully accomplish this, we must put in place a systemic, holistic re-entry process for people returning from prisons. While efforts are underway to improve the re-entry process, there are not formalized pathways for people to be successful post-release. To address this, it is critical that processes such as PEERR℠ are formalized and become a standard part of the re-entry system on a state and municipal level.

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[134] Please see PEERR℠ Report included as appendix to this document as well as a presentation on PEERR℠ at SaferFoundation's CARRE Conference (October 2020): <https://www.youtube.com/watch?v=sYoMmD9jHkY&feature=emb_title>.

VI. CONCLUSION

There currently is no systemic, holistic re-entry process in place for people returning from prison. While efforts are underway to improve the re-entry process, there is a lack of engrained pathways for people to be successful post-release. It is critical that processes such as the Prison Emergency Release Response effort become a standard part of the re-entry process for individuals coming home. The cost of doing nothing or not enough thwarts efforts to reduce prison populations due to Covid-19 and efforts to reduce violence. The demand for critical services due to the Covid-19 Pandemic continues each week and will continue for the foreseeable future as we begin to see evidence of a resurgence in the illness around the country. And while we are moving into a new phase with the pandemic, Safer continues to receive referrals from IDOC, as the problems are not going away any time soon. In particular, the need for housing for people released early as a result of Covid-19 is growing rapidly as returning residents are beginning to have difficulty living in their approved host sites. The housing backlog grows by the day. Some have already become homeless, and it has been a struggle to find placement in alternative housing with limited resources.

Any re-entry system must be accessible, effective, coordinated, fair and administrable. Developing such a system requires an understanding of the great diversity of the formerly incarcerated, and the equally diverse, yet unique, challenges they face "as an essential first step".[135] In consideration of this, Safer has engaged in a systematic effort to identify the pathways of prisoner reintegration and examine what factors play significant parts in successful or unsuccessful re-entry experiences while identifying how to inform public policy most effectively. Safer plans to continue a systematic recording and analysis of the re-entry process as informed by individuals directly impacted by incarceration, including family members of those who have spent time imprisoned, and leaders in the field of re-entry.

In order to document the historical significance of the period and draw applicable lessons capable of informing future direct services and public policy decisions, Safer Foundation included within its PEERR℠ work a qualitative research component intended to continue into the foreseeable future. This research includes rigorous interviews with individuals re-entering from corrections facilities as well as conversations with direct services providers who have worked within PEERR℠. To effectively document this work Safer Foundation is collaborating with subject matter experts and process systems consultants Smart Policy Works to create Journey Maps, effective tools that put a face to the numbers and tell the story of those released in an impactful way. Utilizing an oral history methodology and journey mapping, these interviews provide actionable information to service providers as well as policymakers. Safer Foundation plans to continue the qualitative investigations begun within PEERR℠ and work to continuously provide practical, actionable recommendations for service providers and policymakers while also contributing towards the growing body of knowledge in the field of re-entry.

This approach reflects what is needed in the field of re-entry, in particular the examination of re-entry from the perspective of the returning individual while also considering the unique challenges facing women as the fastest growing demographic

[135] Christy Visher, Nancy G. La Vigne, and Jeremy Travis, Returning Home: Understanding the Challenges of Prisoner Reentry (Maryland Pilot Study: Findings from Baltimore) (Washington, DC: The Urban Institute, 2003).

within jails and prisons. As noted by Holtfreter and Wattanaporn, while "'one-size fits all' correctional programmes may represent efficient and cost-effective approaches to re-entry in terms of implementation, failure to attend to gender responsive factors may prove more economically and socially costly in the long run."[136] This report argues that any effective paradigm of prisoner re-entry must consider the perspectives expounded by those impacted by mass incarceration. Through their individual and collective experiences, people returning from imprisonment offer first-hand experience of what successful re-entry involves from their point of view. It is with this perspective, coupled with nearly half a century of public service, that Safer Foundation intends to continue this work for another century and provide our communities with the sustainable re-entry services they deserve.

[136] Holtfreter, K., & Wattanaporn, K. A. (2013). The transition from prison to community initiative. *Criminal Justiceand Behavior, 41*(1), 41-57. doi:10.1177/0093854813504406

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