

STRATEGIES FOR HELPING THE RE-ENTERING PRISONERS

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**Brief Description:** Many newly released ex-offenders face legal issues relating to employment, housing, identification, drivers licensing, child support, public benefits, entering trade school or college, licensing to engage in a variety of businesses or trades. The prisoner re-entry initiative is reducing recidivism by giving ex-offenders legal help to become productive members of society. We will explore the disparate impact ex-offenders face and examine strategies to assist ex-offenders with their civil legal needs, including the use of pro bono attorneys.

**Topical Outline:**

STRATEGIES FOR HELPING THE RE-ENTERING PRISONERS

- I. Goal of the Michigan Prisoner Re-Entry Initiative
  - a. To work with communities to reduce crime by connecting former prisoners to resources they need to be successful, i.e. jobs, education, drug treatment, transportation and housing (see [www.michpri.com](http://www.michpri.com))
  
- II. Statistics
  - a. 1.8 million people in Michigan have criminal records
  - b. 11,000 inmates are released from Michigan prisons each year
  - c. Nearly half of the inmates released each year will return to prison within 2 years and cost the state \$112 million per year

- d. Since MPRI was launched, the fraction of parolees returning to prison has dropped from 48% to 36% (MPRI 2008 Program Report)
- III. LSC Act and Regulations
- a. LSC programs can provide representation to ex-offenders with civil legal problems specific to their criminal history records, including expungements, pardons, cleaning up errors in criminal records (see Center for Law and Social Policy, Legal Opinion and Analysis for NLADA Reentry Track, November 4, 2002)
- IV. How Legal Aid is Helping with the Transition from Prison to the Community
- a. Creation of a handbook entitled “Legal Rights Handbook for Ex-Offenders” with information on child support, custody, parenting time, drivers license restoration, employment, housing, identification, prisoner reimbursement, public benefits selective service and collateral consequences.
  - b. Legal Help Prior to Incarceration
    - 1. In-house task force which includes attorneys from the civil law group and the federal and state defender units
  - c. Legal Help During Incarceration
    - 1. Legal presentations at the prison on topics such as child support, selective service, employment, housing, and federal and state initiatives
    - 2. Transition team meetings with individual prisoners
  - d. Legal Help Upon Release
    - 1. MPRI Hotline number
    - 2. Direct representation
- V. Federal, State and Local Initiatives for Ex-Offenders
- a. Employment
    - 1. Federal Work Opportunity Tax Credit
    - 2. Fidelity Bonding Program
    - 3. Local Ordinances
    - 4. Employment discrimination
  - b. Identification
    - 1. Social Security Administration processes applications for replacement social security cards before release
    - 2. SSA allows for prisoner identification cards to be used as a form of identification to obtain drivers licenses or state identifications
  - c. Child Support
    - 1. Modification of child support obligation
    - 2. Suspension of child support obligation during incarceration
    - 3. Arrearage repayment plan and waiver of state-owed arrearages
  - d. Social Security
    - 1. Processing of applications for reinstatement of benefits that were suspended during incarceration
  - e. Housing

1. Denial of admission to public housing and requesting hearing to show mitigating circumstances or rehabilitation
- VI. Private Attorney Involvement
- a. How to involve private attorneys
    1. Life-changing nature of pro bono work
    2. Impact on community to help prevent recidivism
    3. Participation in pro se expungement clinic
  - b. Types of cases to place
    1. Bankruptcy
    2. Drivers license restoration
    3. Drivers responsibility payment plans
    4. Divorces
    5. Child support modifications
    6. Parenting time modifications
    7. SSI or SSD
    8. Expungements
    9. Student loan payment plans
    10. Selective Service System waivers
  - c. Pro Se Expungement Clinics
    1. Advice on statutory requirements
    2. Review of pro se pleadings with clients

## OFF PAPER BUT STILL STIGMATIZED—THE IMPACT AND COLLATERAL CONSEQUENCES OF FELONY CONVICTIONS ON FAMILIES IN AMERICA

- I. Incarceration in the United States and Arizona
  - a. Nearly one in four of all prisoners worldwide is incarcerated in the United States, yet we have only 5% of the world's population
- II. Declaring War on Ourselves
  - a. War on Poverty to the War on Drugs-increase of drug offenders in prison by 1100%
  - b. Racial disparity in the criminal justice system
    1. 29% of Arizona's inmates are African American, yet they make up only 3.5% of the state's population as a whole
    2. 85% of inmates in Arizona are imprisoned for non-violent crimes
    3. 65% of Arizona's inmates currently serving time will be paroled and on the streets within the next ten years
- III. General Collateral Consequences: State and Federal Statutes
  - a. A single felony conviction results in automatic loss of many rights, i.e. the right to vote, right to hold elected office, right to sit on a jury, right to own guns
  - b. Restoring civil rights
    1. Drawback to Arizona's automatic restoration feature
    2. No uniformity in the United States
- IV. Social Exclusion, Stigma and Implicit Bias: The adverse effect on employment of an ex-convict

- a. State and Federal laws that bar felons from working in a wide variety of fields, such as accounting, architecture, day care, engineers, firefighters, police, real estate, etc.
- b. Federal conviction consequences
- c. Arizona Law – the Reasonable Relationship statute
- d. The cold reality of jobs for ex-cons
- e. Stigma and implicit bias

V. Cradle to Prison Pipeline: Mass Incarceration of the Poor and People of Color

- a. The driving forces
  - 1. Poverty
  - 2. Lack of affordable health care
  - 3. Lack of early childhood education
  - 4. Foster care-abused and neglected children
  - 5. Education disadvantages
  - 6. Disproportionate incarceration of children of color
  - 7. Community violence
- b. Brief look at Arizona

**Notes:**

**Bibliography & Website Links:**

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8. A.R.S. Section 13-904(E)
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