

June 19, 2017

U.S. Commission on Civil Rights
1331 Pennsylvania Ave N.W.
Suite 1150
Washington D.C. 20425
Via email to: reentry@usccr.gov

Re: SPLC Comments Regarding Collateral Consequences of Incarceration

Dear Commissioners:

Thank you for the opportunity to provide comments to the United States Commission on Civil Rights about the barriers to reentry and the collateral consequences that accompany criminal convictions. The Southern Poverty Law Center (“SPLC”) has worked to protect the promise of civil rights in the Deep South for over four decades. Since our founding in 1971, SPLC has sought justice for people of color, the poor, the wrongly incarcerated, and the most marginalized in the southern states. We use litigation, education, and other forms of advocacy to fight hate and bigotry. SPLC’s work is focused in Alabama, Florida, Georgia, Louisiana, and Mississippi. We regularly represent individuals who are incarcerated and work in close coalition with formerly incarcerated people to advance justice reinvestment and other reforms in the criminal justice system.

SPLC offers the following comments regarding reentry barriers and collateral consequences in the Deep South states in which it works. Section I provides an overview of incarceration in Southern states. Section II examines the multiple legal barriers to reentry that men and women in the South confront upon release from jail, prison, probation, or parole. Section III contains reflections from some of the formerly incarcerated men and women with whom SPLC has encountered in the struggle for criminal justice reform.

I. Incarceration in the Deep South

The modern history of the Deep South is inextricably entwined with government control over black and brown people, and in the case of incarceration, particularly men. From slavery, through the convict leasing system, through Jim Crow, the states of the Deep South exerted extensive power over black and brown people. In the present day, “New Jim Crow” laws act to ensnare the black and brown in the criminal justice system at a rate wildly disproportionate to whites, the system has operated to subjugate people of color to state control. More than half of the prison population in Alabama, Florida, Georgia, Louisiana, and Mississippi are black. Since

1980, the country's prison population has quadrupled, with the South accounting for nearly half of that increase.¹

Louisiana, Mississippi, Florida, Alabama, and Georgia all rank in the top ten states that incarcerate the most number of people per capita. These five states house over 400,000 people in their prisons, jails, and youth detention facilities² who collectively represent nearly eighteen percent of the country's total incarcerated population.³ Nearly 900,000 more people are under the supervision of the criminal justice system, either on parole or probation.⁴ Louisiana, Mississippi, Florida, Alabama, and Georgia also have some of the most restrictive laws in the country that operate to limit employment, benefits, and access to basic services to returning citizens. Collectively, the states have 5,283 collateral consequence laws on the books.⁵ Louisiana alone has 1,494 such restrictions.⁶

- Louisiana

Louisiana currently incarcerates more of its residents per capita than any other state. One in seven black men is either in prison, on parole, or on probation.⁷ In 2015, individuals convicted for nonviolent crimes constituted 86 percent of prison admissions—more than 1.5 times the rate of other Southern states.⁸ The largest category of prison admissions in 2015 were for drug offenses, more than half of which consisted of drug possession convictions.⁹ Louisiana also has some of the harshest sentencing guidelines in the country. For instance, in Louisiana, adults who are sentenced to life cannot get parole.¹⁰ Louisiana is fourth in the country for the number of

¹ Desiree Evans, *Doing time in the South*, FACING SOUTH (March 5, 2009)

<https://www.facingsouth.org/2009/03/doing-time-in-the-south.html> (last visited June 14, 2017).

² *Alabama Profile*, PRISON POLICY INITIATIVE, <https://www.prisonpolicy.org/profiles/AL.html> (last visited June 14, 2017); *Florida Profile*, PRISON POLICY INITIATIVE, <https://www.prisonpolicy.org/profiles/FL.html> (last visited June 14, 2017); *Georgia Profile*, PRISON POLICY INITIATIVE, <https://www.prisonpolicy.org/profiles/GA.html> (last visited June 14, 2017); *Louisiana Profile*, PRISON POLICY INITIATIVE, <https://www.prisonpolicy.org/profiles/LA.html> (last visited June 14, 2017); *Mississippi Profile*, PRISON POLICY INITIATIVE, <https://www.prisonpolicy.org/profiles/MS.html> (last visited June 14, 2017).

³ See *supra* note 1 and accompanying text.

⁴ See *supra* note 2.

⁵ The number was calculated using the search function of the National Inventory of Collateral Consequences, JUSTICE CENTER: THE COUNCIL OF STATE GOVERNMENTS, <https://niccc.csgjusticecenter.org/search> (last visited June 14, 2017), and selecting Alabama, Florida, Georgia, Louisiana, Mississippi or searching each state individually under the heading "Jurisdiction."

⁶ *Id.*

⁷ Cindy Chang, *Louisiana is World's Prison Capital*, TIMES-PICAYUNE (Apr. 6, 2016, 12:38 PM),

http://www.nola.com/crime/index.ssf/2012/05/louisiana_is_the_worlds_prison.html (last visited June 14, 2017).

⁸ Louisiana sends people to prison for nonviolent offenses at twice the rate of South Carolina, even though Louisiana and South Carolina have similar crime rates. See Larry Hannon, *Is the 'Incarceration Capital of the World' Finally Ready to Lose its Title?*, SLATE, http://www.slate.com/articles/news_and_politics/trials_and_error/2017/04/is_louisiana_finally_ready_for_criminal_justice_reform.html (last visited June 18, 2017).

⁹ LOUISIANA JUSTICE REINVESTMENT TASK FORCE REPORT AND RECOMMENDATIONS, LOUISIANA JUSTICE REINVESTMENT TASK FORCE 19 (Mar. 16, 2017), http://gov.louisiana.gov/assets/docs/Issues/Criminal-Justice/Justice-Reinvestment-Task-Force-Report_2017.pdf.

¹⁰ Louisiana Incarcerated (2012), TIMES-PICAYUNE,

http://www.nola.com/crime/index.ssf/page/louisiana_prison_capital.html (last visited June 14, 2017).

statutory restrictions for people who have been convicted of crimes.¹¹ More than half of people admitted to Louisiana’s prisons in 2015 failed probation or parole, in part, due to collateral consequences associated with the criminal justice system. In 2017, SPLC expended significant efforts to support legislators in overhauling Louisiana’s prison system. This legislative package was signed by the governor last week and is anticipated to result in a prison population reduction of ten percent over the next ten years and an acceleration of individuals in reentry.

- Mississippi

Although recent legislative reforms have led to a fifteen percent reduction in Mississippi’s prison population, nearly 30,000 people are still incarcerated in Mississippi prisons and jails.¹² Almost 40,000 additional people in Mississippi are under supervision by the criminal justice system, either on parole or probation.¹³ As a result of Mississippi’s high prison population and felony disenfranchisement laws, nearly ten percent of Mississippi’s total population and sixteen percent of the black population is denied access to the ballot box because of a felony conviction.¹⁴

- Florida

Florida has the third largest prison system in the country, housing over 100,000 people in its state, federal, and youth detention facilities.¹⁵ Its incarceration rate per resident has doubled in the last ten years, and it currently incarcerates 960 people per 100,000 residents.¹⁶ Florida has harsh sentencing laws that have increased the length of time Floridians are required to serve. Most notably, Florida’s “10-20-Life” law requires judges to issue a minimum sentence of ten years for certain offenses, with some circumstances triggering a minimum of twenty years and a maximum sentence of life. In 1999 when the law was enacted, around 150 people were serving 10-20-Life sentences. By 2014, that number reached nearly 10,000.¹⁷ Florida imposes a lifetime voting ban on anyone with a felony conviction. As a result, over ten percent of adults in Florida cannot vote.¹⁸

- Alabama

¹¹ See *supra* note 2.

¹² *Mississippi Profile*, PRISON POLICY INITIATIVE, <https://www.prisonpolicy.org/profiles/MS.html> (last visited June 14, 2017).

¹³ *Id.*

¹⁴ *State-by-State Data*, SENTENCING PROJECT, <http://www.sentencingproject.org/the-facts/#map?dataset-option=SIR> (Last visited June 14, 2017).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ LAUREN GALIK, THE HIGH COST OF INCARCERATION IN FLORIDA: RECOMMENDATIONS FOR REFORM, REASON FOUNDATION 11 (2015), https://www.splcenter.org/sites/default/files/the_high_cost_of_incarceration_in_florida_-_recommendations_for_reform_-_reason.pdf.

¹⁸ See K.K. Rebecca Lai & Jasmine C. Lee, *Why 10% of Florida Adults Can’t Vote: How Felony Convictions Affect Access to the Ballot*, N.Y. TIMES (Oct. 6, 2016), <https://www.nytimes.com/interactive/2016/10/06/us/unequal-effect-of-laws-that-block-felons-from-voting.html>.

Alabama has the fourth highest incarceration rate of any state in the country.¹⁹ Alabama currently locks up 49,000 people and an additional 61,000 people are on parole or probation.²⁰ The number of people held in jail awaiting trial has nearly doubled in the last twenty years.²¹ Alabama has 842 collateral consequence laws that create resource barriers for people who have been convicted of a crime.²² These include laws prohibiting employment in health care and education professions and many that are automatically triggered by a misdemeanor conviction.²³

- Georgia

Georgia currently incarcerates 103,000 people.²⁴ With over 40,000 people in jails, Georgia has the second highest rate of jail incarceration.²⁵ Georgia leads the country with the highest rate of people in the criminal justice system, which includes people who are incarcerated, civilly committed, on parole, or on probation.²⁶ That is largely due to its rate of probation, which is more than double every other state's rate of probation.²⁷ Georgia's probation rate may be attributable to its extensive use of private misdemeanor probation companies.²⁸ In 2012, 648 courts assigned over 250,000 cases to private probation companies,²⁹ where misdemeanor offenders are required to pay for the probation services on top of their court costs.³⁰ That year, probation companies collected \$98.6 million in fines, court costs, and restitution.³¹ In some cases, if probationers cannot pay for the services, their probation may be revoked, which can land them back in jail.³²

II. Legal Barriers to Reentry in the Deep South

With nearly 1.3 million people in the criminal justice system in these five states, communities in Louisiana, Mississippi, Florida, Alabama, and Georgia are states that are disproportionately impacted by mass incarceration compared to the rest of the nation. Ninety-five percent of those who are presently incarcerated (around 360,000) will return to their communities one day, and

¹⁹ Peter Wagner & Alison Walsh, *The State of Incarceration: The Global Context 2016*, PRISON POLICY INITIATIVE (June 16, 2016), <https://www.prisonpolicy.org/global/2016.html>.

²⁰ *Alabama Profile*, PRISON POLICY INITIATIVE, <https://www.prisonpolicy.org/profiles/AL.html> (last visited June 14, 2017).

²¹ *Pre-trial policies have driven recent jail growth in Alabama*, PRISON POLICY INITIATIVE, https://www.prisonpolicy.org/graphs/AL_Convicted_Status_1978-2013.html (last visited June 14, 2017).

²² See *supra* note 5.

²³ *Id.*

²⁴ *Georgia Profile*, PRISON POLICY INITIATIVE, <https://www.prisonpolicy.org/profiles/GA.html> (last visited June 14, 2017).

²⁵ Jessica Szilagyi, *Georgia comes in 2nd for Jail Incarceration Rates*, GEORGIA POL.COM (May 31, 2017, 1:00 PM), <https://www.georgiapol.com/2017/05/31/georgia-comes-2nd-jail-incarceration-rates> (last visited June 19, 2017).

²⁶ Bernadette Rabuy & Peter Wagner, *Correctional Control: Incarceration and supervision by state*, PRISON POLICY INSTITUTE (June 1, 2016), <https://www.prisonpolicy.org/reports/50statepie.html> (last visited June 19, 2017).

²⁷ *Id.*

²⁸ See PROFITING FROM PROBATION: AMERICA'S "OFFENDER-FUNDED" PROBATION INDUSTRY, HUMAN RIGHTS WATCH 12 n.3, 13 (2014), https://www.hrw.org/sites/default/files/reports/us0214_ForUpload_0.pdf.

²⁹ *Id.* at 16.

³⁰ *Id.* at 14.

³¹ *Id.* at 18.

³² See *id.* at 46–53.

the remainder are already working on reentry. But harsh state laws have made and will continue to make it difficult for these individuals to access basic services, get and keep jobs, and avoid returning to prison.³³

- Limited Access to Basic Services

People who are convicted of crimes and incarcerated are disproportionately poorer than non-incarcerated people.³⁴ Before being incarcerated, many qualified for and may have relied on public benefits. But, in the southeastern states, they face serious barriers to accessing basic services like food, housing, and health care after their release from prison. In Mississippi, individuals who have been convicted of a felony or a controlled substance offense are permanently prohibited from receiving food stamps.³⁵ In Florida, such individuals are ineligible for 10 years.³⁶

People with criminal convictions also face housing challenges. Florida and Alabama permanently deny those with controlled substances-related convictions protection under their states' fair housing laws, permitting landlords to discriminate against ex-offenders and to deny lease applications based solely on the applicant's criminal record.³⁷ In Louisiana, any individual convicted of any misdemeanor or any felony may be denied public housing benefits.³⁸ If that person chooses to live or stay with family members who reside in public housing, he or she may be subject to a criminal background check and subsequently denied housing.³⁹ Disclosing the fact that one member of the family has a criminal conviction may render the whole family ineligible for public housing.⁴⁰ Alabama, Florida, Georgia, and Mississippi have similar statutes and regulations restricting access to public housing benefits for people with certain types of criminal convictions.⁴¹ These restrictions make it difficult for formerly incarcerated people to

³³ *NRRC Facts & Trends*, JUSTICE CENTER: THE COUNCIL OF STATE GOVERNMENTS, <https://csgjusticecenter.org/nrrc/facts-and-trends/> (last visited June 18, 2017).

³⁴ In 2014, the median annual income of incarcerated men before incarceration was \$19,650 and \$13,890 for women. For non-incarcerated people, the median annual income for men was \$41,250 and \$23,745 for women. Bernadette Rabuy & Daniel Kopf, *Prisons of Poverty: Uncovering the pre-incarceration incomes of the imprisoned*, PRISON POLICY INITIATIVE (July 9, 2015), <https://www.prisonpolicy.org/reports/income.html> (last visited June 19, 2017).

³⁵ Teresa Wiltz, *States Ease Access to Welfare and Food Stamps for Convicted Drug Felons*, PBS NEWSHOUR (Aug. 9, 2016, 8:49 AM), <http://www.pbs.org/newshour/rundown/states-ease-access-welfare-food-stamps-convicted-drug-felons> (last visited June 19, 2017).

³⁶ FLA. STAT. § 414.32 (2016).

³⁷ See FLA. STAT. § 760.29; ALA. CODE § 24-8-7.

³⁸ LA. STAT. ANN. § 40:501.

³⁹ LA. STAT. ANN. § 40:432.

⁴⁰ LA. STAT. ANN. § 40:501.

⁴¹ See, e.g., ALA. ADMIN. CODE R. 66-2-2-.36; ALA. ADMIN. CODE R. 660-4-2-.02; GA. COMP. R. & REGS. 186-2-.02; GA. CODE ANN. § 8-3-205. See also Christopher O'Donnell, *Efforts gain steam to help felons into public housing*, TAMPA BAY TIMES (May 21, 2016, 9:26 PM), <http://www.tampabay.com/news/localgovernment/efforts-gain-steam-to-help-felons-into-public-housing/2278442> (last visited June 19, 2017) (describing changes to local public housing authority policies in the housing applications of formerly incarcerated people, but noting that housing agencies would still have the discretion to housing people who have certain criminal convictions); *Section 8 Program*, MISSISSIPPI HOUSING AUTHORITY VI, JACKSON, MISSISSIPPI, http://www.mrha6.org/mrha6.org/Section_8_Program.html (last visited June 19, 2017) (noting that the Mississippi Housing Authority VI will screen public housing applicants for certain criminal convictions).

establish a stable environment to start an employment search, rebuild relationships, and transition back to society.

- Employment and Licensing Restrictions

Louisiana, Mississippi, Florida, Alabama, and Georgia collectively have 3,781 laws on their books restricting employment, occupational licensing, and business licensing opportunities for people convicted of a crime.⁴² These include 305 laws that require applicants to pass a criminal background check before receiving an offer for a position.⁴³ They also include prohibitions to take licensing exams, suspension or revocation of previous licenses and certifications, and requirements to report a criminal record to specific agencies. These constraints affect the ability of formerly incarcerated people to work in above-minimum wage jobs as an engineer, architect, veterinarian, educator, tattoo artist, real estate agent, interior designer, masseuse, construction contractor, mortician and in a vast range of health care positions among many other positions.⁴⁴ Many of these restrictions are permanent and automatically triggered with even a misdemeanor conviction.

- Fees, Fines, and Debt

In addition to the restrictions to basic services and employment, and the burdensome, costly, and sometimes non-existent expungement procedures, formerly incarcerated people often face crushing debt upon release. Public fees and fines are a common and debilitating form of debt. These include traffic violation payments, motor vehicle licensing, child support, court fees, restitution for victims, and other expenses. Many of these fees continue to accrue while someone is in prison but has no income to make a payment. These debts are further governed by separate government agencies or courts, which a formerly incarcerated person may be required to visit in person during business hours to pay off a debt or ask for relief. Finally, debt from the inability to pay civil citations may force someone who doesn't have a criminal record into the criminal justice system.

People who are incarcerated are disproportionately poorer than non-incarcerated people when they go into prison.⁴⁵ As described above, having a criminal record makes it much harder for individuals to find employment. The inability to pay debts already owed, compounded by late

⁴² The number was calculated using the search function of the National Inventory of Collateral Consequences, JUSTICE CENTER: THE COUNCIL OF STATE GOVERNMENTS, <https://niccc.csgjusticecenter.org/search/> (last visited June 14, 2017), and selecting Alabama, Florida, Georgia, Louisiana, Mississippi under the heading "Jurisdiction" and employment, occupational and professional license and certification, and business license and other property rights under the heading "Categories."

⁴³ The number was calculated using the search function of the National Inventory of Collateral Consequences, JUSTICE CENTER: THE COUNCIL OF STATE GOVERNMENTS, <https://niccc.csgjusticecenter.org/search/> (last visited June 14, 2017), and selecting Alabama, Florida, Georgia, Louisiana, Mississippi under the heading "Jurisdiction" and Background Check under the heading "Types."

⁴⁴ The number was calculated using the search function of the National Inventory of Collateral Consequences, JUSTICE CENTER: THE COUNCIL OF STATE GOVERNMENTS, <https://niccc.csgjusticecenter.org/search/> (last visited June 14, 2017), and selecting Alabama, Florida, Georgia, Louisiana, Mississippi under the heading "Jurisdiction" and employment and occupational and professional license and certification under the heading "Categories."

⁴⁵ See *supra* note 32.

fees exacerbated by barriers to employment, can drive individuals to recidivate and return to the criminal justice system.

III. Experiences of those Formerly Incarcerated in the Deep South

- **“I’ll see you when you come back.” – Corrections Officer to Mark Walters, New Orleans, L.A.**

Mark Walters grew up in the Lower Ninth Ward of New Orleans, Louisiana. He currently works for the Micah Project, a faith-based New Orleans organization dedicated to the issues of mass incarceration and reentry that works in coalition with SPLC and other groups as part of Louisianans for Prison Alternatives.⁴⁶ He has been incarcerated twice, most recently for violating the terms of his probation. Mr. Walters was sentenced to anger management for one year, which he had to attend once a week, and cost \$25 a class (\$1,300 a year). He was also required to complete eight hours of community service, three times per week. He underwent drug testing twice a month, which cost \$10 for each test (\$240 a year) and he was required to pay monthly probation fees. At this time, Mr. Walters was working as a window installer, making \$10 per window. He also owed child support. Between the fees for classes, drug tests, probation, and child support, and periodic appointments with probation officers and community service three times a week, Mr. Walters had trouble keeping his job and making ends meet.

Seven months into probation he resorted to selling cocaine, which enabled him to pay off his fees and gave him more flexibility to attend probation meetings. But on the last day of his probation, he was caught with cocaine, arrested, and sentenced to six months in prison. By the time Mr. Walters was released, he had lost touch with his family and had nowhere to stay. He started living in hotels, where day after day, for one and a half years, he looked for a job. But no one would hire him because of his criminal record. “If I didn’t tell them, they would find out,” Mr. Walters says.

He ran out of money and could not afford to stay in a hotel any longer. He became homeless. When he finally found a job, he still could not find housing because landlords would not rent to someone with a criminal conviction. He returned to living in a hotel, which was expensive. “Then I missed one day of work,” he says. “Because I missed one day, I was \$50 short on my hotel room so I was homeless again. I lived in a shelter for two years.”

Reentry has been difficult personally and emotionally for Mr. Walters. Because of his time in prison and the challenges he faced in finding stable housing upon his release, he does not have a relationship with his two children, now 18 and 15 years old. His relationship with his mother deteriorated. Since he was incarcerated in 2009, they have not spoken.

For Mr. Walters, the most striking realization after his release from prison was recognizing that the system is actually *designed* to be a revolving door. “The day I was released from prison, the corrections officer told me, ‘I’ll see you when you come back.’ That was when I realized that the system was not set up to correct, but it only made things a whole lot worse.”

⁴⁶ See LOUISIANANS FOR PRISON ALTERNATIVES, <https://www.prisonreformla.com> (last visited June 19, 2017).

- **“Society has become our second prison.” – Dena Dickerson, Birmingham, A.L.**

Ms. Dickerson served 10 years in prison and currently heads the Offender Alumni Association, a peer organization modeled off of Alcoholics Anonymous that provides mentorship, emotional support, and employment services to formerly incarcerated people. Ms. Dickerson’s group and the Southern Poverty Law Center work to address criminal justice and reentry issues in northern Alabama. She says the first thing she asks people when she picks them up from the prison gates is what they need. Nine out of ten times, they say, “I need a job.” But jobs are hard to come by in Alabama where a criminal record can prohibit employment. “I work with a woman who was sentenced to two years of probation fifteen years ago who still has difficulty getting a job,” Ms. Dickerson says. “Society has become our second prison.”

Ms. Dickerson describes the state of desperation that affects a person mentally and emotionally after he or she is released. “You still have the same issues as when you went in,” she explains. “But when you come out, you want your life to be different than when you le[ft] for prison.” That is why her group focuses on personal mentorship and finding employers who are willing to give people a second chance. She describes herself and the people she works with as willing and able. “We understand it is our responsibility to become contributing members of society. But punishment is not the answer. Transformation is the answer.” For Ms. Dickerson, that means talking to people who have been incarcerated and understanding what they need. It also means teaching them professional skills and giving them access to holistic resources—emotional support, employment connections, and technical training—as soon as a person enters the prison gate.

- **“[People] put us all in one group” –Tyrone King, Jacksonville, F.L.**

Mr. King was convicted of a controlled substances offense and served two years in a Florida prison. When he was released in January 2008, he moved to Birmingham, Alabama, where, he says, Alabama was changing its voting laws and lifting certain barriers to government benefits for people with criminal convictions. But he still faced significant challenges because of his criminal record. When Mr. King was released from prison, he owed over \$10,000 in court fees related to his conviction, restitution, and child support. His family relationships were not strong, so he stayed in a shelter for his first year out of prison. Mr. King is part of the Offender Alumni Association, the group run by Ms. Dickerson that provides reentry support for formerly incarcerated people.

Mr. King struggled to find stable employment because of his criminal conviction. “People would tell me that they were glad I had served my time and had come out,” he says. “However, we don’t hire people until they’re five months out, two years out, ten years out.” He worked with a temp agency and decided not to disclose his criminal conviction. Over the next few years, he would work three jobs and 20-hour days at \$5.50 per hour to make his payments. After the company he was temporarily working for wanted to hire him for a permanent position, the employer would find out he had a criminal record and deny his work application. He would try to explain his conviction was for a non-violent offense, but the employer would still refuse to hire him. This would happen at least three times while he worked temporarily.

Even when Mr. King did find work, his court-mandated payment plan for the court fees and restitution he owed automatically deducted an average of \$183 every two weeks from his wages. “Some paychecks I only made \$180 or \$150 so there were some weeks where I made only \$30 for two weeks of work after the fees were taken out.” During this time, the court suspended his driver’s license because he failed to make payments while he was incarcerated. In Birmingham, public transportation ends at 9:00pm and there is no Sunday service. Mr. King struggled to get to jobs, meetings with parole officers, and court dates on time. He says that if it were not for his neighbors, church members, and, more recently, family members, he would not have been able to make it to work and to court—he would not have been able to keep his freedom.

Mr. King has also struggled with the stigma associated with his criminal conviction. Even one of his church leaders pulled him aside once and told Mr. King that he conducted a background check on him because he had been coming around for bible study so often. “We just want to make sure we can trust you,” Mr. King recalls the church leader telling him. Other times, the stigma crept in at work and affected the way his colleagues treated him. He recalls three or four incidents when his manager would watch him more closely than other colleagues, looking for ways to write him up and get him fired, or deliberately gave him fewer hours to work than others. Co-workers might be intimidated and have him clarify his offense. “When I mention I’m a former felon, it’s like they put us in one group and think I’m violent or a sex offender. I would always have to say it was a non-violent offense for something drug- and addiction-related.”

- **Reentry Programs Work**

Reentry programs assist former inmates in making the transition back to society. Programs can vary in administration and the types of services they offer. For instance, the Reentry Court program in Louisiana is administered by Louisiana’s courts. It allows people to learn a trade while in prison and provides inmates access to anger management classes.⁴⁷ Other programs like University of Alabama at Birmingham-TASC are community corrections programs that receive support from federal, state, and local agencies. TASC provides case management, employment support, and drug treatment services to people after they are released from prison.⁴⁸ The best designed programs provide support to inmates while they are in prison, in the short-term after they are released, and in the long-term as the formerly incarcerated settle into communities.⁴⁹

Wesley Quick and **Phillip Allen** are both from Alabama. Mr. Quick was incarcerated for twenty-one years and four months, serving four of those years on Death Row for a murder conviction of which he was later acquitted. He was released in March 2017. Mr. Allen has been incarcerated twice, most recently from 2015-2016. Although each has struggled with court costs and other debts, they credit family support for providing shelter and reentry programs for connecting them to employment, providing transportation, and helping them stay positive. Mr.

⁴⁷ Matt Ferner, *These Programs Are Helping Prisoners Live Again On The Outside*, HUFFINGTON POST (July 28, 2015), http://www.huffingtonpost.com/entry/if-we-want-fewer-prisoners-we-need-more-compassion-when-they-re-enter-society_us_55ad61a5e4b0caf721b39cd1 (last updated Sept. 9, 2015).

⁴⁸ UNIVERSITY OF ALABAMA: SUBSTANCE ABUSE PROGRAMS, <https://www.uab.edu/medicine/substanceabuse/tasc-home> (last visited June 19, 2017).

⁴⁹ NATHAN JAMES, OFFENDER REENTRY: CORRECTIONAL STATISTICS, REINTEGRATION INTO THE COMMUNITY, AND RECIDIVISM, CONGRESSIONAL RESEARCH SERVICE 4 (2015).

Quick's family helped him pay his court fees and he was able to be added to his mother's car insurance. "I pay \$50 or \$60 a month for car insurance," he says. "If I had my own plan, I would have to pay \$1,400 every six months because I had no credit history."

Zerese Reed is from New Orleans. Mr. Reed was incarcerated for two years in the Louisiana State Penitentiary at Angola. Though it has been two years since he was released, he is still having trouble finding a steady job. One of his main challenges is transportation. The fines he owed before going to prison racked up late fees. His license was suspended so he did not have access to construction jobs that were available to him in Mississippi or Baton Rouge. Mr. Reed was a client with the First 72+, a local New Orleans organization that works in coalition with SPLC.

Mr. Quick, Mr. Allen, and Mr. Reed participated in reentry programs, for which each mentioned their gratitude. Both Mr. Quick and Mr. Allen participate in the Jefferson County Community Corrections Program, which provides community-based alternatives to incarceration.⁵⁰ "When I got out of prison, they had paperwork ready for me to fill out to get food stamps and to get help in case I needed to go to the doctor or hospital," Mr. Quick says. "They should make these things available to everyone because you don't know what to file when you get out." Mr. Reed says his program has helped him find jobs. He searches on his own, too, but "they have lots of connections and results." He credits them for helping him in every area of his life and in trying to give him a clean slate.

IV. Conclusion

The Southern states vividly illustrate the tragedy of mass incarceration and the depth and pervasiveness of state laws that limit the ability of any individual caught up in the criminal justice system to return to his or her community with the tools and support necessary not to recidivate. Legal barriers to reentry are part of the modern manifestation of the discriminatory laws, policies and practices that have plagued our country since its founding, and are particularly manifest in the Deep South. While undoing the legacy of these laws and the devastation they have wrecked upon families and communities will take many years, there is cause for optimism. Four of the five states in which SPLC works have undergone sentencing reform in the last four years, revising criminal statutes in an attempt to restore justice to the criminal justice system; Florida is the outlier, but the legislature recently enacted a taskforce to work on these issues.

We thank the Commission for your consideration of these comments.

⁵⁰ The Southern Poverty Law Center worked with UAB-TASC, the Jefferson County Community Corrections Program, to connect to Mr. Allen and Mr. Reed who provided interviews for this comment.

Sincerely,



SOUTHERN POVERTY LAW CENTER
Criminal Justice Reform

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