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Recommendations for Strengthening the Reentry Employment Opportunities Program

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The United States incarcerates more people in jails and prisons per capita than any other nation. Over 1.9 million people are confined to prisons and jails nationwide at a rate of 573 per 100,000 residents.¹ The COVID-19 pandemic, combined with fervent calls for criminal legal system reform, created modest but short-lived declines in prison and jail populations nationwide. Already, the United States is seeing increases in prison and jail populations that are closer to pre-pandemic levels.² In total, one in every three U.S. adults has a criminal record.³

The overreach of policing, law enforcement, and carceral systems in communities of color and the racially unequal treatment by the entire criminal legal system has been well documented. Black people are more likely than white Americans to be arrested; once arrested, they are more likely to be convicted; and once convicted, they are more likely to experience lengthy prison sentences. Black adults are 5.9 times as likely to be incarcerated as people who are white, and Hispanics are 3.1 times as likely.⁴ What's more, Native Americans are incarcerated at a rate that is 38 percent higher than the national average.⁵ In fact, estimates suggest that incarceration rates for Native peoples have increased by 85 percent since 2000.⁶ Moreover, in 19 states, Native Americans are more overrepresented in the prison population than any other race and ethnicity.⁷

The criminal legal system negatively impacts employment, education, and earnings prospects for people who have been caught up in the system due to a web of legal barriers to access, entry prohibitions for

entire occupations and job sectors, and discriminatory hiring practices. Nationally, over 45,000 statutory limitations restrict access to a wide range of rights and opportunities for people with a criminal record—and many of these laws restrict access to employment, education, and housing.⁸

As a result, people who have spent time in the carceral system experience reduced annual earnings by an average of 52 percent compared with individuals who have not spent time in prison.⁹ Incarceration, particularly for youth under age 18, can have significant impacts on educational attainment.¹⁰ Research indicates that 60-75 percent of people who have been incarcerated face persistent unemployment up to a year after their release.¹¹ Estimates also suggest that unemployment among people with criminal records is well over 20 percent.

Already, research bears out that Black people with no criminal record earn less than socioeconomically similar white people with a record.¹² The overreach of the criminal legal system in Black and brown communities coupled with pervasive employment and labor market discrimination by employers means that Black people and people of color experience a double penalty when it comes to accessing quality jobs.

The impacts of the carceral system have lasting harm on children, families, communities, and the economy. Children whose parents are involved in the criminal legal system may face a host of challenges and difficulties including psychological strain, trauma, and economic hardship.¹³ One study found that the family's income was 22 percent lower during the incarceration period and 15 percent lower after the parent's re-entry.¹⁴ An overwhelming majority of children with incarcerated parents have restricted economic resources available for their support and may experience unstable housing.¹⁵ The true social cost of mass incarceration is astronomical on people who have faced incarceration, along with families, children, and community members. Economists have calculated that incarceration yields an aggregate burden of \$1 trillion dollars annually, which represents nearly 6 percent of gross domestic product. For every dollar in corrections costs, incarceration generates an additional \$10 in social costs. More than half of the costs are borne by families, children, and community members. Given the disproportionate impact of the carceral and criminal legal system on Black and brown individuals, these costs are overwhelmingly experienced by communities of color.¹⁶

Now more than ever, Congress has a national imperative to advance comprehensive policy reforms that seek to remedy the harms caused by the criminal legal system, heal communities, and restore rights and access to opportunity. The federal Reentry Employment Opportunities (REO) Program has the potential to be a critical programmatic element of a comprehensive effort.

In this brief, the Center for Law and Social Policy (CLASP) and the National Reentry Workforce Collaborative (NRWC) offer a set of recommendations to strengthen and modernize the REO program to ensure that a greater number of people impacted by the criminal legal system have access to quality jobs through effective, equitable, and culturally responsive practices.

Our recommendations are grounded in the perspectives of current REO programs, partners, and intermediaries across the country. Additionally, our recommendations build from two recent proposals to codify the REO program from Senator Gary Peters (D-MI) through the Reentry Employment Opportunities Act of 2020 (Senate Bill 4387) and the House-passed Workforce Innovation and Opportunity Act of 2022 (House Bill 7309).

About the Reentry Employment Opportunities Program

The REO program was authorized under the Workforce Innovation and Opportunity Act of 2014 (WIOA) as a pilot program to test the effectiveness of service delivery models and approaches to support access and success in the labor market for people with criminal legal system involvement. REO projects also promote collaboration and coordination among community-based organizations, foundations, state and local justice agencies, community colleges, and the workforce system. The mission of the program is to inform the public workforce system on how best to serve justice-involved young adults and adults who are currently or formerly incarcerated.

Many of the components of REO programs have been rigorously evaluated. Several demonstrate effective practices for reducing recidivism and supporting people who have been incarcerated as they enter the workforce. In looking ahead, we see several ways to build off the program's track record and success to support many more individuals impacted by the criminal legal system.

Policy And Practice Recommendations

What follows are 10 recommendations for modernizing and strengthening the REO program to restore access to economic opportunity for people impacted by the criminal legal system.

- 1. Codify REO.** The REO program has achieved the goals of testing approaches and models to inform the workforce development system in supporting pathways to employment for people with criminal legal system involvement. CLASP and NRWC recommend codifying the program as part of WIOA and offering communities and states competitive grants and formula funds to implement programs and models. CLASP and NRWC recommend that REO's goals focus on ensuring that people impacted by the criminal legal system have access to and success in quality jobs. Funding should be proportionate to the scale of mass incarceration nationally.
- 2. Ensure that program eligibility reflects the myriad ways people are impacted by the criminal legal system.** Efforts to support access to quality jobs for people impacted by the criminal legal system must reflect the myriad ways that people are involved or trapped in the system. This includes people detained in jails, those who were incarcerated or are currently incarcerated, and individuals on probation and parole, including those being monitored electronically and people residing in halfway houses or other institutional settings. Program eligibility should also allow for and incentivize adult and youth program participation.
- 3. Prioritize mentoring and positive youth development supports, particularly for youth and young adults who have been impacted by the criminal legal system.** Youth who have been impacted by the criminal legal system—especially those who are returning from incarceration or detention—may benefit from mentors and relationship-based supports to help navigate everyday issues. Federal funding should incentivize relationship-centered approaches that can match young people with staff and mentors who can offer young people a sense of connectedness and safety. Mentors can include industry professionals and others who have overcome similar barriers and

those who represent the cultural and ethnic backgrounds of young people being served in programs.

- 4. Center the voices of impacted individuals.** Communities and states should be held accountable for centering individuals who have been impacted by the criminal legal system and ensuring they have power and agency within the system. Specifically, persons with lived experience should be in decision-making and program governance roles. This means having the power to shape design and implementation, including times when administrators need to make ad-hoc decisions or shifts, and, as appropriate, lead participatory research design efforts. Their expertise should be compensated. Whenever appropriate, persons impacted by the criminal legal system should serve in staff and leadership roles.
- 5. Focus investments in communities that have experienced divestment because of the criminal legal system.** Funding for REO programs should be focused on communities that have been disproportionately impacted by the extractive nature of the criminal legal system. In particular, decision-makers should prioritize communities with high rates of poverty, communities impacted by high rates of policing and violence, and communities that have borne the brunt of costs caused by the carceral system.
- 6. Focus investments in effective, equitable, and culturally responsive practices.** Policymakers should significantly increase funding for REO to align with the scale of need and the decades-long economic impacts in communities of color resulting from the overreach of the criminal legal system. Moving forward, REO should fund and incentivize evidence-based and equitable programs that have shown effectiveness in supporting employment, earnings gains, and reductions in recidivism. These programs include transitional jobs, subsidized employment, pre-apprenticeships, apprenticeships, on-the-job training, and engagement with other paid work-based learning and contextual education approaches. Programs should be allowed to leverage funds for a range of support services, such as mental and physical health care, housing, and legal aid services. However, REO should provide flexible resources to ensure workers have agency to address personal or structural barriers or needs. To this end, direct cash transfers should be an allowable use of funds.¹⁷ Finally, Congress should fund workforce services and support for people returning from incarceration and those with criminal legal system involvement through community-based organizations, intermediaries, and public systems that are separate and apart from carceral and law enforcement systems.
- 7. Hold programs and systems accountable to quality.** Program metrics should be aligned with existing WIOA performance metrics. Most importantly, CLASP and NRWC recommend that a job quality framework, metrics, and incentives be included in the codification of REO to ensure that the system and programs are incentivized to work with employers that offer and maintain quality job standards. Finally, programs and the system should be held accountable to processes that uphold and center worker voice such as ensuring that labor, community, and worker representation is present at decision-making tables.

- 8. Incentivize locally driven partnerships and collaborations.** While a range of partnerships are likely valuable to the implementation of employment services for people with histories of criminal legal system involvement, these partnerships should be driven and established at the local level. Although federal funds should allow for a range of partnerships, REO should steer clear of dictating the specific partnerships. The federal government should model effective partnership development through cross-agency collaboration and joint funding opportunities.
- 9. Evolve research and evaluation.** Numerous rigorously structured programmatic evaluations have been conducted on approaches and components of REO programs. Moving forward, if research or evaluation requirements are part of the grant or formula structure, CLASP and NRWC recommend that the research questions focus on structural barriers to accessing the labor market and quality job opportunities for people impacted by the criminal legal system. Additionally, research and evaluation should focus on employment social enterprises as well as concurrent education and wage-paid real work models that can advance the field of practice and policy. Researchers should carefully plan their research design and methods to ensure they do not disrupt the community or negatively affect the organizations or partner entities.
- 10. Include funding for technical assistance and capacity building.** An expansion of the REO program must include resources to support technical assistance for new grantees or states and communities that are developing and implementing new programs. CLASP and NRWC recommend that REO includes funding to support program design and implementation; governance structures; authentic engagement with people impacted by the criminal legal system in all aspects of the program design and implementation; data tracking and accountability; and identification and implementation of best practices, among other things.

Conclusion

Over the past few years, policymakers have paid greater attention to addressing criminal legal system reform and supporting comprehensive reentry solutions. And, while the United States is long overdue for a national reckoning with the harms caused by the criminal legal system, the nation has made progress. Strengthening and modernizing the Reentry Employment Opportunities Program is one critical element of the work necessary to restore rights and opportunities for millions of people and advance economic justice.

We believe that a comprehensive set of reforms and rebalancing efforts must include policy solutions that dismantle current oppressive policing and carceral systems and their wide-ranging impacts; repair and restore rights and opportunities to individuals and communities impacted by these systems; and heal communities.

Endnotes

- ¹ W. Sawyer and P. Wagner, Mass Incarceration: The Whole Pie, Prison Policy Initiative, 2022, <https://www.prisonpolicy.org/reports/pie2022.html>.
- ² Jacob Kang-Brown, Chase Montagnet, and Jasmine Heiss, People in Jail and Prison in 2020, Vera Institute, 2021, <https://www.vera.org/publications/people-in-jail-and-prison-in-2020>.
- ³ Matthew Friedman, Just Facts: As Many Americans Have Criminal Records as College Diplomas, Brennon Center for Justice, 2015, <https://www.brennancenter.org/our-work/analysis-opinion/just-facts-many-americans-have-criminal-records-college-diplomas>.
- ⁴ Sentencing Project, Report to the United Nations on Racial Disparities in the US Criminal Justice System, 2018, <https://www.sentencingproject.org/publications/un-report-on-racial-disparities/>.
- ⁵ Laurence Greenfield, American Indians and Crime, Bureau of Justice Statistics, US Department of Justice, 1999, <https://bjs.ojp.gov/content/pub/pdf/aic.pdf>.
- ⁶ Leah Wang, The U.S. criminal justice system disproportionately hurts Native people: the data, visualized, Prison Policy Initiative, 2021, <https://www.prisonpolicy.org/blog/2021/10/08/indigenouspeoplesday/>.
- ⁷ L. Sakala, Breaking Down Mass Incarceration in the 2010 Census, Prison Policy Initiative, 2010.
- ⁸ Collateral Consequences of Criminal Convictions Judicial Bench Book, The National Inventory of Collateral Consequences of Criminal Convictions, American Bar Association, 2018, <https://www.ojp.gov/pdffiles1/nij/grants/251583.pdf>.
- ⁹ Terry-Ann Craigie, Ames Grawert, and Cameron Kimble, Conviction, Imprisonment, and Lost Earnings, How Involvement with the Criminal Justice System Deepens Inequality, Brennon Center on Justice, 2020, https://www.brennancenter.org/sites/default/files/2020-09/Conviction_Imprisonment_and_Lost_Earnings.pdf.
- ¹⁰ Colton Merrill, The Effects of Incarceration on Educational Attainment, 2018, <https://www.cob.calpoly.edu/economics/wp-content/uploads/sites/27/2019/11/Merrill-1.pdf>.
- ¹¹ Duy Pham and Wayne Taliaferro, Reconnecting Justice: Lessons Learned and the Agenda Ahead, CLASP, April 2017, <https://www.clasp.org/sites/default/files/publications/2017/04/Reconnecting-JusticeLessons-Learned-and-the-Agenda-Ahead.pdf>.
- ¹² Craigie, Conviction, Imprisonment, and Lost Earnings.
- ¹³ Collateral Costs: Incarceration's Effect on Economic Mobility, Pew Charitable Trusts, 2010, <https://www.pewtrusts.org/en/research-and-analysis/reports/0001/01/01/collateral-costs>.
- ¹⁴ Ibid.
- ¹⁵ Amanda Geller, Irwin Garfinkel, Carey Cooper, and Ronald Mincy, Parental Incarceration and Child Well-Being: Implications for Urban Families, Social Science Quarterly, 2009.
- ¹⁶ Michael McLaughlin, Carrie Pettus-Davis, Derek Brown, Chris Veeh, and Tanya Renn, The Economic Burden of Incarceration in the United States, Institute for Justice Research and Development, https://ijrd.csw.fsu.edu/sites/g/files/upcbnu1766/files/media/images/publication_pdfs/Economic_Burden_of_Incarceration_IJRD072016_0_0.pdf.
- ¹⁷ Training Vouchers, Cash Transfers, and Their Effects on Employment-Related Outcomes, Literature Review, Department of Labor, 2021, https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/ETA_Training%20Vouchers%2C%20Cash%20Transfers%2C%20and%20Their%20Effects%20on%20Employment-Related%20Outcomes_OnePager%20with%20link.pdf.