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What's a Civil Lawyer to Do?

THE SHADOW OF
CRIMINAL RECORDS



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Cross-Sector Collaboration in Reentry: Building an Infrastructure for Change

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Investment in an infrastructure for cross-sector collaboration is key to breaking the vicious cycle of poverty and crime. The criminal justice system is the institution with the single most pervasive impact on communities of poverty and of color. In those communities interaction with the police and courts, as well as incarceration, has become commonplace. The more than seventy-one million people in the United States with histories of criminal justice involvement face legal and social barriers to securing jobs, finding stable housing, participating in civic life, and reuniting with their families. Indeed, the magnitude of this problem demands the attention of any organization claiming a social justice mission.

This special issue of *CLEARINGHOUSE REVIEW* covers a broad range of topics, from the overarching (the role of race in the criminal justice system) to the specific (defending benefits fraud cases). Here I build upon this base to outline an infrastructure for cross-sector collaboration that respects the role of each sector and capitalizes on the unifying potential of a reentry paradigm.

I. Reentry Barriers Without Boundaries

The criminal justice system exacts its punishment not only from people charged with crimes but also from their families and communities.¹

A. Labyrinth of Barriers

Punishment by the criminal justice system begins at arrest and, in many ways, never ends. A conviction—or simply accusation of a crime—frequently leads to immediate eviction, termination of employment, loss of benefits, disenfranchisement, or deportation.² Longer-term legal disabilities range from ineligibility for publicly subsidized housing to harsh restrictions on employment opportunities to backbreaking debt from child support arrears that accrue during incarceration. Reestablishing familial and intimate relationships and coping with shame and stigma are among psychological and social challenges.³ These challenges reduce the chance that, after their

¹As lawyers, we deal in a currency of words. In drafting and interpreting laws, cases, or contracts, we are taught to focus unrelentingly on language since language can have the subtle power to change the way that lawmakers and policymakers approach significant problems. Recognizing the gravity of the consequences resulting from criminal justice involvement, we should use language that reduces the stigma of this involvement and promotes effective reentry. Descriptors such as “person with a criminal record” or “person with a felony conviction” are more precise and better correspond to the statutes and policies that impose sanctions based on one’s criminal record than pejorative labels such as “felon,” or “ex-offender.” Such specificity also helps clarify the different points in the criminal process where a sanction is imposed. To promote and plan for the integration of people with criminal records into society, we should address them as real people, with family and community ties, not merely as “ex-offenders.”

²See, e.g., *Re-Entry and Reintegration: The Road to Public Safety* (rev. 2006), available at www.reentry.net/link.cfm?7095 (report and recommendations of the New York State Bar Association Special Committee on Collateral Consequences of Criminal Proceedings); Reentry Net, *Find Out About Collateral Consequences in Your State*, www.reentry.net/link.cfm?7154; LEGAL ACTION CENTER, *AFTER PRISON: ROADBLOCKS TO REENTRY—A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS* (2004), www.lac.org/lac/index.php; INVISIBLE PUNISHMENT: THE COLLATERAL CONSEQUENCES OF MASS IMPRISONMENT (Marc Mauer & Meda Chesney-Lind eds., 2002).

³See, e.g., COUNCIL ON CRIME AND JUSTICE, *THE COLLATERAL EFFECT OF INCARCERATION OF FATHERS, FAMILIES AND COMMUNITIES* (2006), available at www.reentry.net/link.cfm?8343.

incarceration or after reintegrating into their communities, people will achieve stability in their living conditions.⁴

In recent years this landscape has worsened. The accumulation of collateral sanctions has combined with the exponential increase in available criminal history data to create a “perfect storm.” Criminal background checks have become routine for applicants for employment, housing, and public benefits. More than one hundred employment licenses in New York alone require criminal history review.⁵ Performing background checks on job applicants are 80 percent of large corporations, nearly a 30 percent increase in just eight years. For small businesses, the figure is 69 percent.⁶ Every public housing authority and many private landlords do background checks. The questionable reliability of the available criminal history information compounds the perfect storm.⁷

B. The Magnitude of the Community

The community of people facing the myriad consequences of criminal proceedings—the reentry community—comprises every major population targeted

by legal aid programs and other service providers. Many of these organizations, however, either limit services to clients perceived to be “deserving” by virtue of their lack of involvement with the criminal justice system or restrict the scope of services by excluding problems that arise from criminal justice involvement. In communities where contact with this system is the norm, these restrictions can render services ineffective and even irrelevant.

The breadth of the criminal justice system’s impact is astonishing:

- **Arrest:** The FBI estimates that there were over 14 million arrests nationwide in 2005.⁸
- **Court:** In 2004 nearly 21 million criminal cases entered or reentered state courts.⁹ More than 92,000 people were charged with a crime in federal court.¹⁰
- **Custody:** By the end of 2005 more than 7 million individuals lived under federal, state, or local correctional supervision.¹¹ One of every 136 U.S. residents was in prison or jail.¹²

⁴People leaving prison or jail are released into the same service-deficient environment after having received inadequate or no rehabilitation or training while incarcerated. Worse, they now have a new gift from the system—the scarlet letter ‘C’ of a criminal conviction.” See my *Bridging the Gap: A Practical Guide to Civil-Defender Cooperation*, 37 CLEARINGHOUSE REVIEW 56 (May–June 2003).

⁵See Legal Action Center, *New York State Occupational Licensing Survey (2006)*, available at www.hirenetwork.org/pdfs/Occupational%20Licensing%20Survey%202006.pdf.

⁶See Society for Human Resource Management, *SHRM Workplace Violence Survey (2004)*; Susan Llewelyn Leach, *Bosses Peek into Job-Seekers’ Pasts*, CHRISTIAN SCIENCE MONITOR, Oct. 13, 2004, at 15.

⁷See, e.g., Sharon M. Dietrich, *When “Your Permanent Record” Is a Permanent Barrier: Helping Legal Aid Clients Reduce the Stigma of Criminal Records*, in this issue, and *Expanded Use of Criminal Records and Its Impact on Reentry 8* (presented to the American Bar Association Commission on Effective Criminal Sanctions, March 3, 2006), available at www.reentry.net. The most recent study in New York found that 87 percent of official state rap sheets contained some kind of error. See LEGAL ACTION CENTER, *STUDY OF RAP SHEET ACCURACY AND RECOMMENDATIONS TO IMPROVE CRIMINAL JUSTICE RECORDKEEPING (1995)*.

⁸Of these 14,094,186 arrests (which exclude traffic infractions), 603,503 were for violent crimes, 1,609,327 for property crimes, and 1.8 million for drug crimes. See U.S. DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION, *CRIME IN THE UNITED STATES 2005 (2006)*, www.fbi.gov/ucr/05cius/arrests/index.html.

⁹See NATIONAL CENTER FOR COURT STATISTICS, *EXAMINING THE WORK OF STATE COURTS, 2005: A NATIONAL PERSPECTIVE FROM THE COURT STATISTICS PROJECT 46*, available at www.ncsconline.org/D_Research/csp/CSP_Main_Page.html.

¹⁰See U.S. Department of Justice, Bureau of Justice Statistics, *Federal Justice Statistics (2006)*, at www.ojp.usdoj.gov/bjs/fed.htm.

¹¹This figure includes 1.45 million in prisons; nearly 750,000 in jails; more than 780,000 on parole; and more than 4.16 million on probation. See LAUREN E. GLAZE & THOMAS P. BONCZAR, BUREAU OF JUSTICE STATISTICS, *NCJ 215091, PROBATION AND PAROLE IN THE UNITED STATES, 2005 (2006)*, available at www.ojp.usdoj.gov/bjs/abstract/ppus05.htm.

¹²See Paige M. Harrison & Allen J. Beck, *Prisoners in 2005*, BUREAU OF JUSTICE STATISTICS BULLETIN, Nov. 2006, at 3, www.ojp.usdoj.gov/bjs/pub/pdf/p05.pdf.

- **Release:** More than 650,000 people are released from prisons every year.¹³ In 2004 12.6 million people passed through U.S. jails, representing approximately 9 million unique individuals.¹⁴

The result—more than 71 million people in the United States have a criminal history.¹⁵ And, as Francisca D. Fajana notes in her article that opens this special issue of *CLEARINGHOUSE REVIEW*, the disparate impact on the basis of race and poverty is undeniable.

II. Systemic Problems Across Service Sectors

The effects of involvement with the criminal justice system cut across traditional divisions in legal aid practice, and poverty law advocates must see the effects through a broader lens in order to deal with them effectively. Reentry begins at arrest and requires action by a wide range of actors—the affected individuals and their families, government agencies, civil and criminal attorneys, and social service providers—whose common goal must be to promote stable employment and housing for people with criminal re-

ords to reduce crime, increase legal employment, and cut public costs.¹⁶

Experience teaches that integrated services can help stabilize a family during the crisis of criminal justice involvement and root out many underlying social problems that contribute to the cycle of poverty and crime.¹⁷ By mitigating the collateral damage of criminal proceedings, comprehensive services can forestall destabilizing events that impede clients' reentry as productive citizens.

Structural barriers, however, make it difficult for people newly released from jail or prison to obtain these services. Many, particularly civil legal assistance in coping with "collateral consequences," are simply unavailable.¹⁸ Services that do exist are fragmented.¹⁹ When clients are able to access services, providers are often uninformed about the wide-ranging consequences of criminal proceedings, particularly those outside the provider's narrow practice areas.²⁰

What is the impact on individual clients? A parent who goes to the store and leaves a young child alone at home might have a criminal defense attorney handling

¹³During 2004 state prisons released 672,202 sentenced people, up from 604,858 in 2000, an increase of 11.1 percent. See Paige M. Harrison & Allen J. Beck, *Prison and Jail Inmates at Midyear 2005*, BUREAU OF JUSTICE STATISTICS BULLETIN, May 2006, at 6.

¹⁴*Id.* at 1–13; estimates presented by Allen J. Beck at the Reentry Roundtable on Jails, Washington, D.C., June 2006.

¹⁵See BUREAU OF JUSTICE STATISTICS, NCJ 210297, *SURVEY OF STATE CRIMINAL HISTORY INFORMATION SYSTEMS*, 2003, at 13 (2006). An individual may have records in more than one state, but the total figure for 2003 is an undercount and does not include Louisiana, Rhode Island, or the Virgin Islands (see *id.*, Explanatory Notes for Table 1), nor does it include federal criminal records.

¹⁶See my *Holistic Is Not a Bad Word: A Criminal Defense Attorney's Guide to Using Invisible Punishments as an Advocacy Strategy*, 36 UNIVERSITY OF TOLEDO LAW REVIEW 479, 501 (2005).

¹⁷E.g., the Bronx Defenders offers integrated holistic services—criminal defense, civil legal services, social services and treatment, investigation, and youth programs—to indigent criminal defendants and their families. For the past seven years, the Civil Action Project of the Bronx Defenders has served clients and their families comprehensively by integrating civil representation with the criminal defense practice and working to mitigate the collateral sanctions that are the subject of this special issue.

¹⁸A recent study by the Legal Services Corporation found that each year four out of five low-income Americans needing legal help are unable to obtain it, thereby leaving at least sixteen million legal problems untended. See LEGAL SERVICES CORPORATION, *DOCUMENTING THE JUSTICE GAP IN AMERICA: THE CURRENT UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS* (2005), available at www.lsc.gov/press/documents/LSC%20Justice%20Gap_FINAL_1001.pdf. While there is one attorney per 525 people in the general population, there is only one legal aid attorney for every 6,861 low-income people. In New York no more than 14 percent of the legal needs of the poor are met; see Evan A. Davis, *A Lawyer Has an Obligation: Pro Bono and the Legal Profession* (Otto L. Walter Lecture at New York Law School, April 10, 2001), available at www.abcn.org/currentarticle/otto_walter_lecture.html. One of New York's largest legal services providers is forced to turn away at least six eligible clients for every client that it can help. See Michael Barbosa, *Lawyering at the Margins*, 11 AMERICAN UNIVERSITY JOURNAL OF GENDER, SOCIAL POLICY AND THE LAW 135, 137 (2003).

¹⁹See my *The Bronx Defenders, Reentry.net: Report on the Planning Process 9–10* (2004) (in my files).

²⁰See *id.*; Gabriel J. Chin, *Race, the War on Drugs, and the Collateral Consequences of Criminal Conviction*, 6 JOURNAL OF GENDER, RACE AND JUSTICE 253, 254 (2002).

his criminal case for endangering the welfare of a child, a family court lawyer handling a related civil action for neglect or termination of parental rights, a civil legal services attorney handling his eviction case, and a social services agency providing family counseling. Obviously coordination of these services is critical to an optimal outcome for this parent—but coordination is rare.²¹ Each sector faces challenging obstacles to providing effective services, but each also has unique potential for contributing to reentry solutions.

Civil Legal Aid. Legal aid attorneys share enthusiasm for tackling these issues but are often discouraged by lack of familiarity with the related criminal legal issues. Nonetheless, they have a significant role to play not only in representing clients struggling with reentry but also in educating prosecutors, judges, and defenders, many of whom simply do not comprehend the irrational and draconian nature of the civil consequences that criminal defendants face.

In fact, civil legal aid providers are the most likely advocates to have experience coping with the many collateral consequences that arise in areas of traditional poverty law. Sadly, some programs avoid representing people involved in the criminal system, fixing service priorities based on their concept of the “deserving poor” or a cautious approach to Legal Services Corporation restrictions. To provide the most effective services, civil legal aid advocates need access to proven strategies for solving reentry problems in the civil context and to experts in the criminal justice field. They may also need to reconsider traditional divisions among

practice areas—separating housing, family law, public benefits, immigration, and disability—that can compartmentalize services even within their organizations and slow the exchange of knowledge within the same office.²²

Defenders. Many defense attorneys are unaware of the hidden civil legal consequences of criminal proceedings or believe that nothing can be done to prevent them. Knowledge of these hidden sanctions can be an effective tool to persuade prosecutors and judges to agree to more productive dispositions and obtain more discovery.²³

Meeting individuals as their lives and communities are in crisis, public defenders have a unique opportunity for early intervention. Proper advocacy around “collateral consequences” can help reinstate benefits or employment, prevent eviction, and cast new light on the advisability of a plea that will lead to excessive civil disabilities down the road. These interventions can also in effect eliminate the legal difficulties—such as the destabilizing loss of housing or benefits—that catalyzed the initial arrest or that could send a person back into the system after release.²⁴

Prosecutors. Many prosecutors question the relevance of collateral consequences to their criminal justice calculus and fear appearing weak on crime. In a world of mandatory minimums and determinate sentences, however, prosecutors hold tremendous power to choose more productive reentry outcomes—or not—as they make decisions on charges, bail demanded, and pleas and diversion programs offered.

²¹Similarly a person reentering the community after incarceration could have housing and family law needs that a civil legal services attorney should meet but also extensive treatment needs—such as for substance abuse or family counseling—that social services providers should meet.

²²The American Bar Association recommends funding for public defenders and civil legal aid to assist people with criminal records in “removing or neutralizing the collateral consequences of conviction.” See ABA Commission on Effective Criminal Sanctions report and recommendations, available at <http://meetings.abanet.org/webupload/commupload/CR209800/newsletterpubs/Summary3.15.PDF.pdf>. For a more extensive discussion of the role of civil legal aid in reentry, see my *Bridging the Gap*, *supra* note 4; Cynthia Works, *Reentry—the Tie That Binds Civil Legal Aid Attorneys and Public Defenders*, 37 CLEARINGHOUSE REVIEW 328 (Sept.–Oct. 2003). For more defender and civil legal aid resources, see www.reentry.net/link.cfm?7720.

²³See THE BRONX DEFENDERS, DEFENDER TOOLKIT: USING KNOWLEDGE OF COLLATERAL CONSEQUENCES TO GET BETTER RESULTS IN THE CRIMINAL CASE (2007), www.reentry.net/link.cfm?8073.

²⁴See my *Holistic*, *supra* note 16, at 494; see also Michael Pinard, *Broadening the Holistic Mindset: Incorporating Collateral Consequences and Reentry into Criminal Defense Lawyering*, 31 FORDHAM URBAN LAW JOURNAL 1067, 1087 (2004).

A few law enforcement leaders recognize the self-defeating and unfair nature of collateral consequences. In 2001, the president of the National District Attorneys Association told prosecutors that they “must comprehend this full range of consequences that flow from a crucial conviction” and asked: “How can we ignore a consequence of our prosecution that we know will surely be imposed by the operation of law? These collateral consequences are simply a new form of mandated sentences.”²⁵

Social Services. Social service organizations—the backbone of services during reentry—are acutely aware of the lack of comprehensive education and support for advocates and community members about these issues. They are on the front lines in confronting these challenges, but they are too frequently isolated from legal services, criminal or civil, which can provide a critical component of care.

III. Building an Infrastructure for Collaboration—the Reentry Net Model

Advocates around the country share a deep frustration about their lack of connection—to practical resources on reentry problems and to one another. The complexity of the issues can seem daunting to advocates who, already overworked, are asked to expand into areas with which they have no experience. Struggling to fit these circumstances, advocates in New York developed an approach that relies on developing a flexible infrastructure.

Initially, in trying to identify the causes of fragmentation and gaps in services, New York advocates noted the prevailing crisis mode that permeated many of

their organizations and led to reliance on resources that were available immediately from a trusted source and allowed providers to feel they were saving rather than spending more time when they needed backup. Without a central place to find such resources, advocates reported feeling lost in a swamp of overlapping problems with no clear resolution. When one staff member would delve into an issue and find solutions, that knowledge was seldom shared or turned into institutional memory. No existing structure facilitated communication and collaboration across professional sectors or areas of expertise.²⁶

What emerged was a collaborative project of dozens of organizations across New York: Reentry Net, which offers training and a support center for advocates for people who have criminal records, those reentering the community after their incarceration, and their families.²⁷ Reentry Net works to improve advocacy and services from arrest through release, promote continuity of care, and increase capacity through collaboration and access to resources. Among other activities, Reentry Net’s online resource center hosts extensive free resources—a clearinghouse of materials for legal aid, criminal defense, social services, courts, policymakers, and probation and parole agencies on the consequences of criminal proceedings, providing proven solutions to reentry problems.

Reentry Net provides an infrastructure and support for individual advocacy and systemic reform; it helps close the gap in services outlined above by increasing capacity, fostering collaboration, and creating an organizing forum for policy change through practical tools that link

²⁵Robert M.A. Johnson, Message from the President: Collateral Consequences (2001), www.ndaa.org/ndaa/about/president_message_may_june_2001.html. The National District Attorneys Association officially acknowledged the prosecutor’s role in reentry in 2005 and described people “reenter[ing] our communities in need of housing, medical and mental health treatment, employment, counseling and a variety of other services. Communities are often overwhelmed by these increased demands and, due to budget constraints, unable to provide minimum services to ex-offenders. As a result, the safety of our communities and citizens is jeopardized when releasees, who are unable to acquire employment, housing and needed services, revert to a life of crime.” National District Attorneys Association, Policy Positions on Prisoner Reentry Issues 2 (adopted July 17, 2005), at www.ndaa.org/pdf/policy_position_prisoner_reentry_july_17_05.pdf.

²⁶See my Reentry.net, *supra* note 19.

²⁷For more information, see www.reentry.net/ny and the National Reentry Research and Policy Library, currently being developed with the Prisoner Reentry Institute at John Jay College of Criminal Justice, at www.reentry.net. The initiative is directed by the Bronx Defenders, Pro Bono Net, and a steering committee of advocates who represent every service sector and geographic region in New York.

systemic reform organizations and direct service advocates and empower local change networks. Reentry Net offers online communication tools; a live support hotline; and an extensive service referral network. Resources are screened by experts and updated daily.

IV. Tangible Results

The infrastructure has yielded tangible results, improving advocacy for people coming home from jail and prison, people with criminal records, and their families. It has also built an interdisciplinary network of advocates who support one another in delivering services and serve as a powerful structure for policy change.

A. Improving Individual Advocacy

The Reentry Net model improves individual advocacy in several ways.

1. Online Resource Center

The online resource center supports advocates, many of whom assist hundreds of clients every year. As of March 2007, more than 1,400 members were registered; the number has grown steadily since the site's launch in November 2005. Library resources contain hundreds of practical solutions to problems that people in the reentry community face every day.

By compiling the most effective and up-to-date resources, the center shortens the learning curve for advocates new to reentry issues and helps advocates most deeply engaged in these issues keep up-to-date and share best practices with one another and with less experienced users. The technology creates safe spaces for exchange of ideas and best practices by controlling access to content according to each user's sector. Usage patterns demonstrate how the Reentry Net infrastructure promotes and sustains collaborative efforts to reform advocacy practices and policy.

Advocates can download resources to solve discrete problems—e.g., if a client has a misdemeanor conviction and wants to apply for subsidized housing from the New York City Housing Authority, a legal aid advocate can access the housing au-

thority's eligibility chart for admission of people with criminal records and the Legal Action Center's handbook, *How to Get Public Housing and Section 8, Even with a Criminal Record*. If the client was recently released from jail and needs to reclaim her property, the advocate can download detailed instructions. The advocate may realize in this process that the client has no identification and can access resources explaining how to obtain a birth certificate, social security card, and nondriver identification. At this point the advocate can use the New York Public Library's Connections Guide to refer the client to job training or other social service.

2. Live Support—a Hotline for Advocates

Answering fifteen to twenty “live support” calls per week, Reentry Net staff members work with advocates to find solutions to more complicated issues or to identify the best referrals. This access to a live Reentry Net staff member has helped the coalition build a network and establish legitimacy. Reentry Net staff analyzes live support calls for patterns and works with partners to initiate policy reform around persistent problems.

3. Substantive Training

Substantive training reaches a larger number of advocates than individual live support calls, while providing similar intensive exposure to resources and solutions. Group training also allows Reentry Net staff to solicit feedback—suggestions for content and organization—from new users about the site. During the past two years Reentry Net staff has trained more than one thousand advocates and judges.

4. Multiplier Effect

Suggesting a significant multiplier effect, more than half of Reentry Net users report that they share the resources and information they obtain there, most frequently with colleagues or with clients. If a user downloads a resource from the library and sends it to an officewide e-mail list or an advocate e-mail discussion group, dozens of advocates will see and use that resource; when advocates receive resources in the context of a given

problem, they are likely to save a copy to use later if the same problem arises.

B. Building an Interdisciplinary Network of Reentry Advocates

The Reentry Net model connects formerly fragmented networks into an integrated force for better reentry services and policies. Staff members provide a central point of contact and accessible referral network for advocates around the state and manage an interdisciplinary calendar of events and training around the state.²⁸

1. Building a Diverse Network

The network's strength lies in its diversity—every major stakeholder is represented, and the structure is designed to serve all sectors of the reentry community. The current membership represents more than five hundred organizations in proportion roughly equal to the proportions of criminal defense attorneys, civil legal services providers, and social service providers in the field.

The volunteer steering committee and committees of experts who review resource center content are similarly representative of Reentry Net stakeholders, as are the dozens of contributing organizations and those that participated in the original planning. While about 10 percent of site content is restricted to view by attorneys, the remainder is available to any user. Besides these content restrictions, topical e-mail groups create safe spaces for advocates in each sector to exchange ideas and best practices.

2. Bridging the Gap Between Direct Services and Policy Advocacy

Reentry Net's infrastructure and technical assistance ensure that reform initiatives will have maximum impact. With membership from both the direct services and policy reform sectors, Reentry Net serves

as a means by which service providers who see firsthand the problems faced by clients with criminal records can inform policy work. Staff members participate in local and statewide committees and coalitions that view collateral consequences from a range of angles. In this work Reentry Net represents the experiences and needs of partner organizations and individual advocates who use the resource center, and it provides expertise based on direct services work and developed through years of leading training and managing resource center content.

Through work with bar associations as well as academic and government partners, Reentry Net has added to the body of knowledge about the consequences of criminal proceedings, and it has disseminated research and policy materials broadly. In coalition work, it has helped implement discharge planning services on Rikers Island (New York City's jail) and helped win the passage of a penal law reform that will provide an important opening for sentencing and reentry advocacy for defense attorneys.²⁹

V. A Way Forward

Reentry obstacles reach deeply into every area of law and life and involve controversial political and policy questions that have haunted us for decades. But this background also offers a unifying motivation going forward. Jeremy Travis argues that a focus on the reality of reentry and on the goal of reintegration creates a new common ground for developing justice policy: "Reentry is not a goal, like rehabilitation or reintegration. Reentry is not an option. Reentry reflects the iron law of imprisonment: they all come back."³⁰ Understanding this reality is the critical step. Barriers to reentry only enforce a cycle of recidivism and reduce public safety—without work or shelter, people often turn to crime. A new para-

²⁸See www.reentry.net/ny/calendar.cfm.

²⁹On June 7, 2006, New York Penal Law § 1.05(6) was amended to add a new goal, "the promotion of [the convicted person's] successful and productive reentry and reintegration into society," to the four traditional sentencing goals of deterrence, rehabilitation, retribution, and incapacitation. See N.Y. Law § 98 (2006). See also Alan Rosenthal et al., Center for Community Alternatives, *A New Sentencing Model to Meet the Challenge of Reentry and Public Safety* (2006), www.communityalternatives.org/pdfs/NYS%20New%20Sentencing%20Model.pdf.

³⁰JEREMY TRAVIS, URBAN INSTITUTE, *BUT THEY ALL COME BACK: FACING THE CHALLENGES OF PRISONER REENTRY* (2004) (Introduction).

digm can cut through various, often conflicting policies and reorient the system to support successful reentry and a path out of poverty.

Because reentry begins at arrest, advocates must find ways to structure collaboration to leverage the crisis of a criminal case, stabilize families, and mitigate collateral damage. Numerous practical ways foster civil-defender collaboration: holding roundtable meetings; sharing continuing legal education courses; establishing outreach sites or distributing client pamphlets at defender offices and criminal courts; and conducting client workshops.³¹

Given their mission and expertise, civil legal aid organizations must go beyond these lessons and lead in building an infrastructure that improves advocacy and energizes the service community around reentry issues. Proven methods for motivating advocates include the following:

- bar association reports on collateral consequences;³²
- cross-sector continuing legal education on collateral consequences and proven solutions;³³
- practice guides on the same;³⁴
- court-sponsored conferences;³⁵
- bar events; and

- bar-sponsored meetings to bring practice areas together.

In several states, advocates, perceiving a need similar to that which motivated New York advocates, have expressed interest in developing their own reentry resource centers. Reentry Net has leveraged over \$1 million in technology investments and offers lessons from a successful New York pilot.³⁶ It is a flexible model, scalable to the needs and resources of each state. During its start-up phase, New York's Reentry Net has been staffed by three to four full-time-equivalent staff members. Benefiting from the lessons learned in New York and the economies of scale derived from replicating an existing model, reentry resource centers elsewhere would require fewer staff. The New York experience offers a model for a state-based, locally controlled support network and reentry information clearinghouse that serves as a structure for change and improves advocacy in measurable ways.



If current incarceration rates remain unchanged, an estimated one in fifteen persons born in 2001—and one in three African American males—will serve time in a prison during their lifetime.³⁷ Moreover, two-thirds of those released from state prisons will be rearrested within three years. One-half will be convicted of a new

³¹See my *Bridging the Gap*, *supra* note 4; see also Jack Daniel, *Pipe Dreams for Legal Aid Lawyers: A Civil Practice that Considers the Criminal Side*, in this issue.

³²See, e.g., Re-Entry and Reintegration, *supra* note 2.

³³See, e.g., Michigan Reentry site (http://reentry.mplp.org/reentry/index.php/Main_Page) and New York Reentry Calendar (www.reentry.net/ny/calendar.cfm).

³⁴For a collection of state and local resources including Maryland, Florida, Washington, the District of Columbia, and Massachusetts, see the online library at www.reentry.net/link.cfm?7156 and Reentry Net, Find Out About Collateral Consequences in Your State (www.reentry.net/link.cfm?7154).

³⁵See, e.g., New York Partners in Justice Colloquium (2005), available at www.courts.state.ny.us/ip/partnersinjustice.

³⁶Reentry Net is hosted on the Pro Bono Net platform and shares in the collaborative national investment in this support system for legal advocates for the poor. See www.probono.net.

³⁷THOMAS P. BONCZAR, U.S. DEPARTMENT OF JUSTICE, NCJ 197976, PREVALENCE OF IMPRISONMENT IN THE U.S. POPULATION, 1974–2001, at 7 (2003), available at www.ojp.usdoj.gov/bjs/pub/pdf/piusp01.pdf.

crime.³⁸ The direct costs alone of this cycle of incarceration are staggering.

The hidden punishments analyzed in this special issue outline the structure that traps low-income clients in recurring encounters with the criminal justice system.³⁹ A coordinated policy approach and integrated provision of direct services can help dismantle this structure. Reentry begins at arrest, and each stakeholder in the justice system has an important role.⁴⁰ Policymakers, lawyers, and practitioners can no longer afford to avoid these issues.

The real solutions to these problems will come only with extensive systemic change through the alleviation of poverty and racism, which are the true repeat offenders in our communities. Until we accomplish those goals, building an infrastructure to improve service delivery to the reentry community will reduce recidivism and government spending on incarceration and fundamentally improve outcomes for everyone involved.

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³⁸See PATRICK A. LANGAN & DAVID J. LEVIN, U.S. DEPARTMENT OF JUSTICE, NCJ 193427, RECIDIVISM OF PRISONERS RELEASED IN 1994, at 1 (2002), available at www.ojp.usdoj.gov/bjs/pub/pdf/rpr94.pdf.

³⁹See my *Holistic*, *supra* note 16, at 487.

⁴⁰*Id.* at 501

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