



POVERTY

Reentry Reforms Are More Critical Than Ever Amid the Coronavirus Pandemic

By [Sarah Figgatt](#) | April 30, 2020, 9:03 am



Getty/John Moore

Incarcerated military veterans walk to the dining hall at an Enfield, Connecticut, rehabilitation center that helps to prepare inmates for successful reentry into society, May 2016.

Times of crisis amplify foundational failings. When the floods broke through New Orleans' levees in August 2005, [thousands of incarcerated people](#)—including children as young as 10 years old—remained trapped at Orleans Parish Prison after the local sheriff's office refused to evacuate them; they [experienced](#) a power outage and went days without food, water, or medical assistance. Now, as COVID-19 spreads rapidly throughout the United States, the nation's carceral

system has again proven complicit in exacerbating a public health crisis for incarcerated and justice-involved people.

As of April 20, the prison system accounts for [1 in 5](#) COVID-19 cases in Ohio, and at one state prison in North Carolina, about [60 percent](#) of the prisoner population has tested positive for the virus. Cramped and unsanitary, prisons and jails are already dangerous for the correctional population—one that is [growing older](#) and has higher rates of [chronic medical conditions](#). Harsh sentencing laws from the 1980s and 1990s, such as [mandatory minimums](#), have contributed to people aging while incarcerated, and [racial disparities in sentencing](#) have resulted in the overrepresentation of [Black, Latinx, and American Indian/Native American](#) communities in prisons and jails. As data emerge about the pandemic's disparate impact on [older people](#), [immunocompromised people](#), and [people of color](#), decarceration becomes even more imperative.

Fortunately, states appear to be heeding the warnings of [public health experts](#) and [prisoner advocates](#). In March, California [granted early release](#) to 3,500 people incarcerated in its state prisons. Earlier this month, Kentucky Gov. Andy Beshear (D) announced his intention to [commute the sentences](#) of nearly 1,000 state prisoners. And the Virginia General Assembly recently passed a proposal by Gov. Ralph Northam (D) that [permits early release](#) for 2,000 state prisoners. Though more releases are still needed, these are steps in the right direction in terms of protecting the [2.3 million people](#) currently incarcerated across more than 7,000 facilities in the United States.

However, early release orders alone are not enough. Reentry service providers [have rightly demanded](#) that Congress and states also allocate additional funding and resources for the transition of people back home. Otherwise, states are [issuing early release orders](#) for incarcerated people “without [providing] adequate transportation, support services, or housing once they get out.” Forgoing reentry reforms is dangerously ignorant of institutionalized prejudice against people with criminal records and undermines the purpose of releasing people for health and security reasons.

Of the [more than 600,000 people](#) released from prison each year, [two-thirds](#) will recidivate within [three years](#), typically for a low-level offense such as a [technical parole violation](#), rather than a new crime. And when someone does commit a new crime, their [dire circumstances](#)—which include [chronic unemployment](#), [homelessness](#), and [lack of access to quality and affordable health care](#)—often serve as the impetus for engaging in criminalized behavior. Therefore, crime and recidivism rates are not a measure of one's criminality, but rather the resources and supports to which they do, or do not, have access. Reforming the U.S. reentry system is an opportunity to eliminate the factors that perpetuate the cycle of incarceration for justice-involved people.

Additionally, reentry reforms benefit not only justice-involved people but also the communities that they return to following incarceration. When formerly incarcerated people have access to social support programs, such as [food assistance](#) and [health care](#), recidivism rates fall, keeping people out of prison and their communities safer. Especially now, with the threat of prison or jail COVID-19 outbreaks spilling over into the broader community, releasing people from correctional facilities and reforming the U.S. reentry system would improve the safety and health of all community members.

The [deleterious effects](#) of the global pandemic and looming recession warrant urgent action to remedy the otherwise dismal situation that formerly incarcerated people will find themselves in during the coming months. Policymakers must adopt the following recommendations in order to promote the physical, emotional, and economic security and well-being of people released from prisons and jails.

Provide direct cash assistance to people released from prisons and jails

The [Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#) guaranteed a one-time relief check of up to \$1,200 for adults depending on their annual income and citizenship status, with the goal of offsetting financial expenses incurred due to the pandemic and economic crisis. Since this one-time payment of \$1,200 [may not be enough](#), several members of Congress plan to argue for additional stimulus checks to be included in the [fourth coronavirus relief package](#). In these direct cash assistance plans, however, Congress must include people released from correctional facilities and scheduled for release during the pandemic.

With [more than 26 million people](#) filing unemployment claims in the past five weeks—a number that is likely much higher than reported after accounting for [overwhelmed unemployment systems](#) preventing Americans from successfully filing—formerly incarcerated people are returning to communities with very limited job opportunities. The barriers to employment currently faced by formerly incarcerated people are similar to those of job seekers with criminal records during the Great Recession: Due to both the tough job market and the ability of employers to pick from a larger pool of applicants without criminal records, the unemployment rate for people with criminal records was [27.3 percent](#) in 2008, which vastly exceeded the general population's unemployment rate of [5.8 percent](#) that same year. Providing direct cash assistance to justice-involved people would give them the most immediate relief as they search for long-term, stable employment.

Arguments against providing direct cash assistance, including claims that such assistance lowers incentive to work, do not stand up to the facts. [Multiple studies](#) have found that unconditional

cash transfers do not reduce recipients' desire to find employment. Cash assistance does, however, allow them to make crucial investments, such as in their education or health, and [disincentivizes people](#) from committing “financially-motivated crimes, such as theft or robbery.”

Furthermore, the first 72 hours of post-incarceration [often define the reentry trajectory](#) for formerly incarcerated people, and a lack of money during this time makes it even more difficult to navigate how to return to local communities, figure out which community service organizations can be of assistance, find housing if unable to return home, check in with parole officers, and more. In addition, the first two weeks of post-incarceration can often be fatal: After release, the mortality rate for formerly incarcerated people is [13 times higher](#) than that of their matched demographic groups. In the midst of a pandemic and economic crisis, these time frames are even more critical. Broad stay-at-home orders, limited community service resources, and a lack of coordination between government agencies have [left communities in a state of crisis](#); providing direct cash assistance to returning community members would bypass the [overburdened intermediary systems](#) to grant immediate relief.

Therefore, states should increase the money given to people upon their release. Also known as “[gate money](#),” these funds vary from state to state—ranging from [nothing to \\$200](#)—and are supposed to cover expenses related to transportation, meals, new clothes, and anything else necessary for people to reenter society. However, formerly incarcerated people report that these release funds, even those on the higher end, are not enough to transition back to their communities. States need to act quickly in passing legislation that mandates a significant increase in gate money so that people can safely and securely return to their communities.

Cancel all incarceration-related debts

The criminal justice system ensnares people in a [cycle of debt and poverty](#). During the trial process, individuals often pay [fees for a public defender](#); [daily charges for pretrial detention](#), even if they have yet to be convicted of a crime; and [fines for criminal conviction](#) if found guilty. While incarcerated, people are also victims of the [prison system's captive market](#): From purchasing necessities such as food and hygiene products to accessing digital and postal services, incarcerated people are stuck in economically vulnerable positions in which their work earnings—[assuming they are paid for their labor](#)—do not cover all of their necessary expenses. This makes it impossible to save money for life after incarceration.

Upon release, those on parole are often subject to [monthly supervision fees](#). Considering almost half of formerly incarcerated people [report no income](#) in their first year post-incarceration, these fees and incarceration-related debts quickly become unmanageable and burdensome. An inability to keep up with payments for monthly supervision fees, court fees, restitution, and other debts incurred as a consequence of incarceration can result in people being [reincarcerated](#) for

falling behind on payments. In the best of times, this system cruelly criminalizes poverty; during a global pandemic and economic crisis, it threatens people's livelihoods. With jobs scarce and resources limited, those returning to their communities should not need to worry about the added stress of debt.

The nation's economic recovery remains contingent on resolving the coronavirus pandemic, which [public health experts caution](#) could take months, if not longer—[potentially into 2022](#). In order to promote people's financial security during the economic crisis, the cancellation or suspension of debt collection is critical. The CARES Act automatically suspended payments on [federal student loans](#) through September and allowed homeowners with [federally backed mortgages](#) to defer payment for up to 180 days. Stateside, Govs. Jay Inslee (D-WA) and J.B. Pritzker (D-IL) have [suspended laws](#) permitting various forms of consumer debt collection. Congress and states need to extend the same relief measures to people with post-release fees and incarceration-related debts. Doing so would not only acknowledge the predatory entrapment of criminal justice debt but would also allow formerly incarcerated people to better weather the economic recession.

Expand safety net programs to be inclusive of those with criminal records

Biases against people with criminal records exist not only in [hiring decisions](#); in [some states](#), [laws ban people](#) with criminal records from accessing safety net programs, such as the Supplemental Nutrition Assistance Program (SNAP), and allow [public housing authorities](#) to reject rental applicants with criminal records. Taken together, structural barriers to employment, food insecurity, and lack of housing leave justice-involved people in precarious positions that—especially during an ongoing pandemic and economic crisis—can be deadly.

Congress and states need to allocate additional funding to safety net programs while expanding them to be inclusive of people with criminal records. For example, [expanding SNAP](#) could alleviate [food insecurity](#) for individuals and families, which would mitigate the recent [surge in demand](#) at food banks. The CARES Act failed to strengthen SNAP, so the next coronavirus relief package must invest in and expand [proven safety net programs](#) for low-income people, including those with criminal records.

In the event of congressional inaction, states wield considerable power to provide these social supports. Earlier this month, for example, California Gov. Gavin Newsom (D) announced that a partnership between the state and the Federal Emergency Management Agency would provide [15,000 hotel rooms](#) for homeless people. Even at the local level, immediate relief measures are being adopted: An emergency ordinance recently passed by the San Francisco Board of Supervisors will set aside [7,000 hotel rooms](#) for the city's homeless population. Considering

formerly incarcerated people are [10 times more likely](#) to be homeless than the general population, these policies will undoubtedly assist those with criminal records.

In identifying ways to support communities experiencing [food insecurity](#) and [homelessness](#), policymakers need to remove the barriers keeping people with criminal records from accessing these vital social support programs.

Conclusion

More than a decade after Hurricane Katrina devastated New Orleans, another hurricane—Florence—swept through the Eastern Seaboard. This time, the South Carolina Department of Corrections [refused to evacuate](#) several prisons, including ones situated within the mandatory evacuation zone. Officials once again treated the lives of incarcerated people as expendable. Until policymakers commit to dismantling the inequitable institutions—including [structural racism](#)—that put the country in this situation every time there is a natural disaster or public health emergency, these events will continue to disproportionately threaten the lives of those incarcerated.

In the meantime, Congress can mitigate the harms of the United States' flawed and overly punitive criminal justice system by granting immediate relief for justice-involved people. Policymakers must couple early release provisions with reentry reforms; failure to do so merely transitions formerly incarcerated people from one harmful environment to another, jeopardizing both their and their communities' health, safety, and security during a global pandemic and economic crisis.

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