

THE WHITE HOUSE ALTERNATIVES, REHABILITATION, AND REENTRY STRATEGIC PLAN

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PREPARED BY THE DOMESTIC POLICY COUNCIL



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The *White House Alternatives, Rehabilitation, and Reentry Strategic Plan* is a white paper published by the White House Domestic Policy Council. It is intended to support the development of evidence-informed policies and practices to improve public safety while reducing unnecessary criminal justice system interactions, support rehabilitation during incarceration, and facilitate successful reentry.

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Overview

America was founded on the promise of new beginnings, the prospect of better possibilities, and the principle of equal justice under law. Yet, for people returning home to their communities from jail or prison, obstacles often stand in the way of turning this promise into a reality. And for generations, entrenched disparities and disinvestment in people and places, many times facilitated by laws and policies, have made it particularly difficult for Black and Brown Americans, Native Americans, other people of color, and other historically marginalized and underserved communities to have a fair shot at the American dream.

The U.S. population has less than 5% of the world's population but represents over 20% of the world's prisoners. The incarceration rate in America is four to eight times higher than that of other liberal democracies and higher than Russia and Cuba.¹ The impact of this mass incarceration is disproportionate. Black men are incarcerated at nearly six times the rate of White men.² Black men with disabilities account for less than 2% of the overall U.S. population but more than 18% of the state prison population.³ Hispanic men are incarcerated at nearly two-and-a-half times the rate of White men.⁴ Native Americans overall are incarcerated at more than twice the rate of White Americans.⁵ Women are the fastest-growing population experiencing incarceration.⁶ LGBTQI+ adults are incarcerated at three times the rate of the total adult population. Nearly 40% of people in state and federal prisons have at least one disability⁷ compared to 26% of adults in the overall U.S. population.⁸ Between 70 million and 100 million—or as many as one in three Americans—have a criminal history record.⁹

After release, people returning home from jail or prison face civil and criminal penalties that make it difficult for them to obtain education, secure quality jobs, support their families, and contribute to their communities. This lack of access to health care, housing, job training, and other supportive services hinders successful reentry and increases the risk of recidivism.¹⁰ According to the most recent federal analysis of statistics from 34 states, nearly 4 in 10 were rearrested at least once in the first year after their release from state prison.¹¹ More than 7 in 10 were rearrested within five years.¹² What's more, the direct governmental cost of our corrections and criminal justice system was \$320 billion in 2019, according to the Bureau of Justice Statistics.¹³ If states lowered recidivism rates by 10%, they would save an average of \$635 million annually. Those figures, however, do not capture the full social cost of incarceration: lost earnings, adverse health effects, and detrimental effects on the children of incarcerated parents, amounting to nearly \$1.2 trillion annually.¹⁴ Economists have estimated that our gross national product is reduced between \$78 to \$87 billion dollars annually due to the lack of full participation of formerly incarcerated persons in the workforce.¹⁵

Public safety is paramount. To make us all safer, we must address the root causes of criminal justice system involvement in order to prevent crime. We must also examine how to maximize the return on investment for taxpayer dollars to deliver the highest degree of public safety. In doing so, we can invest in strategies that prevent or reduce crime, while also easing the burden on law enforcement and prosecutors so they do not have to respond to non-violent situations that may not merit police intervention or incarceration. When a crime occurs, a sentence should both reflect the seriousness of the crime and provide a chance at meaningful rehabilitation and successful reentry. This will help us to break the cycle of recidivism and improve individual and collective outcomes. For the more than 70 million Americans who have a criminal history record



and their communities, we can and must do better. Along the way, we can strengthen our economy, save taxpayer dollars, and improve individual and community outcomes.

The Biden-Harris Administration's historic funding for our communities through the President's Investing in America agenda—including the American Rescue Plan (ARP), Bipartisan Infrastructure Law (BIL), the Inflation Reduction Act (IRA), and the CHIPS and Science Act (CHIPS), as well as through agency actions—have made long overdue investments to rebuild the backbone of America—America's middle class. To unite the country. To make sure no one is left behind. Central to the Administration's work is its commitment to ensuring that our country works for everyone so that all people have the opportunity to earn a decent wage, support their family, live a healthy and long life, and thrive.

Building on the Administration's landmark investments and initiatives, the Alternatives and Reentry Strategic Plan is a multi-year blueprint that applies a whole-of-government approach to improve the criminal justice system by leveraging data, research, and proven successful strategies from state and local governments across the country. It is the product of an intensive interagency process with senior officials, deputies, and principals from over 25 federal agencies and components, as well as engagement with stakeholders who represent a wide variety of experiences and perspectives, including researchers; practitioners; policy experts; advocates; people and communities impacted by the justice system; law enforcement, corrections, and probation officials; judges; and survivors of crime.

In addition, the Strategic Plan acknowledges that the Administration and Federal Government cannot transform the criminal justice system alone. Indeed, nearly 90% of incarceration occurs at the state and local level, and thousands of legal and regulatory restrictions prevent people with arrest or conviction records from accessing employment, housing, voting, education, occupational licenses, and other essential opportunities necessary to thrive. Already, some states and cities across the country have innovated commonsense and evidence-based approaches that restore public trust, prevent and decrease crime, and advance equitable outcomes. Enhancing public safety, equal justice, and public trust requires state, Tribal, local, and territorial governments; the private sector; researchers; and nonprofit and community groups to do their part, and the Federal Government must lead the way.

Each of the Strategic Plan's goals focuses on how it will address and remove systemic barriers to equal justice, including through the lens of racial justice and equity. The Plan details new concrete policy actions already underway, and others launching later this year or in future years:

- **Goal 1: Improve public safety while reducing unnecessary criminal justice system interactions.** By investing in crime prevention and a fairer criminal justice system, we can reduce crime, improve individual and community outcomes, and ease the burden on police officers so they can focus on fighting crime.
- **Goal 2: Support rehabilitation during incarceration.** We must ensure that the time in jail or prison provides meaningful opportunities for people to meet their underlying needs and, in doing so, break the cycle of recidivism. This requires implementing evidence-based and individualized educational, job training, health care, and other supportive services that will help them succeed after release.¹⁶



- **Goal 3: Facilitate successful reentry.** Nearly 95% of people in jails and prisons will return home to their communities,¹⁷ so we must ensure that we remove or reduce barriers to help them thrive and contribute to their communities.

Taken together, our collective efforts will move us toward a safer, stronger, and more just America.



Goal 1: Improving Public Safety While Reducing Unnecessary Criminal Justice System Interactions

Reducing unnecessary criminal justice system interactions is not only an effective public safety strategy that reduces the burden on law enforcement, it also benefits our communities and our economy. It costs the Federal Government about \$100 per day to hold someone in federal prison.¹⁸ That dollar amount does not begin to capture “the true cost of incarceration” – emotional and financial – on families whose loved ones are incarcerated;¹⁹ the ways in which criminal justice system involvement can tear apart the fabric of a community; and the economic impact of removing people with arrest or conviction records from the labor force. Strategies to divert people who should not be arrested or incarcerated to evidence-informed alternatives (for example, drug courts and other problem-solving court programs, restorative justice, deferred prosecution, etc.) can reduce recidivism and relieve the strain on police officers, resource-strapped courts, corrections systems, and prosecutor’s offices.²⁰

Successful strategies to reduce unnecessary criminal justice system interactions, while improving public safety, include:

- Expanding drug courts that divert people charged with drug possession alone into mandatory treatment and harm reduction services, where not prohibited by law, instead of incarceration, as well as other alternative courts such as mental health courts and veterans’ courts;
- Expanding co-responder or alternate responder programs so phone calls that should be answered by mental health or substance use disorder providers or social workers – alone or in partnership with police – are not solely the responsibility of law enforcement;
- Increasing mental health and substance use disorder services, including by training existing professionals to become certified in cognitive behavioral therapy (which helps people improve their response to stress and reduce impulsivity), trauma-informed therapy, and other evidence-based treatments effective at addressing mental health issues, disruptive behaviors, and exposure to or at risk of violence; and
- Providing housing and other stabilizing and supportive social services to people who are experiencing unsheltered homelessness.

President Biden’s Safer America Plan

In his Safer America Plan and Fiscal Year (FY) 2024 Budget, President Biden called on Congress to appropriate \$15 billion over 10 years for the strategies listed above and other crime prevention strategies. Under this new Accelerating Justice System Reform (AJSR) grant program, states, cities, Tribes, and territories could use AJSR funding to advance strategies that will: 1) prevent violent crime; and 2) ease the burden on police officers, so they do not have to respond to non-violent situations that may not merit police intervention. In order to receive these critical grants, jurisdictions would have to commit to repealing mandatory minimums for non-violent crimes and change other laws that contribute to increased incarceration rates without



making our communities safer. The Safer America Plan, among other things, also calls on Congress to address the discriminatory federal sentencing disparity for cocaine offenses. As then-Senator Biden first proposed in 2007, a fair criminal justice system requires that we must end, once and for all, the unjust and racially discriminatory federal sentencing disparity between crack cocaine and powder cocaine offenses. Building on the Obama-Biden Administration's success in narrowing this disparity from 100-to-1 to 18-to-1, President Biden's Safer America Plan repeats this call on Congress to make that change fully retroactive. This step could provide immediate sentencing relief to the thousands of people, more than 90% of whom are Black, currently serving time in federal prison pursuant to the crack/powder disparity.

The President is also advancing three priorities that are closely related to and support this Strategic Plan, but are not discussed in detail in this document:

- **Addressing the root causes of crime.** Evidence tells us that certain life experiences are strongly correlated with an increased likelihood of future criminal justice system interaction. For example, the percentage of girls in our juvenile justice system who have a history of physical or sexual abuse could be as high as 80 or 90%,²¹ and roughly one out of every four children in foster care will interact with the criminal justice system within two years of exiting foster care.²² The Biden-Harris Administration is committed to addressing these and other root causes of crime. For example, the President is calling on Congress to invest \$5 billion over 10 years in community violence interventions (CVI), strategies that use trusted messengers to work directly with people most likely to commit, witness, or be a victim of gun violence, intervene in conflicts, and prevent shootings and other violence. The strategies include connecting individuals at risk of becoming involved in gun violence to mental health care, job training, housing, employment, and other supportive services, and have been shown to reduce violence by as much as 60%. Taken together, the Biden-Harris Administration's investments in building the economy from the bottom up and the middle out, in advancing climate and environmental justice, in supporting educational opportunities for all, and in expanding access to quality and affordable health care will help to reduce the occurrence of adverse childhood experiences (ACEs), mitigate and address exposure to ACEs, and safely reduce the risk of criminal justice system involvement.
- **Delivering safe and appropriate law enforcement responses, when needed.** When alternative responses are unavailable or acute situations warrant police intervention, law enforcement should be prepared to deliver a safe and appropriate response. The Administration is advancing a number of policies to advance this goal, including through the President's proposal to increase funding for accountable, community policing; his Executive Order to reform policing; and his support of the George Floyd Justice in Policing Act. The Department of Justice (DOJ) currently provides funding to state and local law enforcement agencies to support trainings that equip officers with more effective strategies for responding to individuals with disabilities or those experiencing mental health and substance use-related crises. Building on this work, DOJ will support the advancement of innovative virtual reality-based de-escalation and crisis intervention trainings for law enforcement officers. Through investments in emerging technology, DOJ will expand opportunities for officers to develop and practice the skills necessary to safely serve individuals in crisis, individuals with mental health and substance use disorders, and individuals with disabilities.



- **Improving the Federal Government’s ability to use data and evidence to improve our criminal justice system.** A lack of quantitative data and qualitative feedback, including from people who have been stopped, searched, arrested, detained, charged, convicted, sentenced, incarcerated, and/or released, has hindered our ability to measure the impact of existing initiatives, pinpoint gaps in the evidence, and identify opportunities to improve our criminal justice system. We also lack disaggregated data—data that can be broken down and analyzed by race, ethnicity, gender, disability, income, veteran status, age, or other key demographic variables.²³ In January 2022, the Biden-Harris Administration launched Justice Counts, which will deliver a set of key recommended criminal justice metrics, as well as aggregation tools to help leaders reach informed decisions using existing data without costly upgrades.²⁴ DOJ is also investing in a comprehensive review of research focused on racial and ethnic disparities in the criminal justice system, with the goal of identifying interventions with the potential to reduce disparate treatment, as well as those policies and practices that have exacerbated disparities.

From Principle to Practice

The remainder of this section outlines additional steps the Administration is taking to advance strategies to reduce unnecessary interactions with the justice system. For details regarding how DOJ is improving public safety while reducing unnecessary criminal justice system interactions in the federal system, please access their report [here](#).

Expand crisis intervention programs and alternative and co-responder models for people experiencing substance use disorder or mental health crises

Law enforcement is often viewed as the only available public entity for responding to situations in which someone is experiencing an overdose or a mental health crisis. While law enforcement may sometimes be a critical partner in these crises, often these situations require public health responses that are beyond the scope of what law enforcement authorities should be reasonably expected to address. Too often, people experiencing a mental health or substance use crisis end up interacting with the criminal justice system when they simply need mental health and substance use disorder services. The Biden-Harris Administration is implementing a [comprehensive plan](#) to transform how the Nation understands and treats mental health. As part of this plan, the Biden-Harris Administration is expanding crisis intervention and alternative and co-responder models and taking the following additional steps:

- **Supporting the newly-launched 988 Suicide & Crisis Lifeline.** In July 2022, the Biden-Harris Administration launched the 988 Suicide & Crisis Lifeline so people experiencing suicidal ideation or another behavioral health crisis can reach out for confidential help from a health professional. The 988 Suicide & Crisis Lifeline is intended to reduce law enforcement interactions and provide resource connection and counseling to individuals in crisis.²⁵ As of December 31, 2022, the 988 crisis line had received over 2.1 million calls, online chats, and texts. The 988 Suicide & Crisis Lifeline referred more than a quarter million contacts to the Veterans Crisis Line.²⁶ Of the remaining contacts, the 988 Suicide & Crisis Lifeline connected more than 9 out of 10 to a call center, which then provided a referral to a counselor.²⁷ One report noted that only



2% of calls to 988 are referred to 911, and only when either health or safety concerns merit such a response.²⁸

- **Funding and implementing crisis intervention programs.** Crisis intervention programs seen in communities around the country, utilize trained mental health and social service professionals to provide rapid individualized support to persons in crisis either in health care settings or in the community. The Administration has taken significant steps to enhance crisis services, including for example:
 - The President’s ARP appropriated \$1.2 billion for Medicaid Mobile Crisis Intervention Services to support mental health professionals and trained peers to respond to people experiencing behavioral health crises and provided \$15 million in planning grants to more than 20 states to help them implement community-based and mobile crisis intervention services. The Center for Medicare and Medicaid Services (CMS) issued guidance to states to assist them in accessing these funds and developing mobile crisis intervention benefits in their Medicaid programs.
 - In December 2022, the President signed the Law Enforcement De-Escalation Act of 2022. This law authorized \$124 million for purposes such as training for officers and mental health professionals on responding to people in suicidal crisis and de-escalation tactics.
 - Additionally, the Department of Health and Human Services (HHS) is funding \$9 million in new grants for states and territories to create or enhance their mobile crisis response teams.
 - The Bipartisan Safer Communities Act, which President Biden signed into law in June 2022, created the Byrne State Crisis Intervention Program to support implementation of extreme risk protection order programs, behavioral health treatment, and other forms of crisis intervention. In February 2023, DOJ announced more than \$200 million in the first set of awards to states under this program.
- **Leveraging public health and public safety collaborations with law enforcement.** The Overdose Response Strategy (ORS), funded by the White House Office of National Drug Control Policy (ONDCP) and Centers for Disease Control and Prevention (CDC), is a collaboration between public health and public safety officials to help local communities reduce drug overdoses and save lives. CDC will continue to explore opportunities for collaboration between public health and public safety officials, including to promote diversion and reentry.
- **Investing in diversion models and supporting innovation and optimization.** DOJ’s Office of Justice Programs (OJP) currently makes grants to support diversion models that connect individuals with behavioral health disorders to community-based resources and alternatives to arrest or incarceration through programs such as the Comprehensive Opioid, Stimulant, and Substance Use Program (COSSUP) and the Justice and Mental Health Collaboration Program (JMHCP) in appropriate cases consistent with public safety. In addition to providing ongoing support for these programs, DOJ will promote innovation, replication, and evaluation of promising and innovative diversion models.



DOJ is providing funding for evaluations of models that divert individuals with mental health disorders away from the justice system and toward community-based resources, including 911 dispatch diversion models and co-responder models. The assessments will focus on translating findings for policymakers and practitioners to offer a roadmap for other communities seeking to implement diversion strategies within their jurisdictions in appropriate cases consistent with public safety. DOJ also co-hosted a national conference in October 2021 focused on innovative community responder models, which deploy teams of trained civilian professionals to address calls for service related to behavioral health disorders, homelessness, quality-of-life issues, or other low-acuity concerns that should not require a police response. The conference featured insights from practitioners in cities that are serving as laboratories for innovation to create pathways for responding appropriately to low-acuity 911 calls, allowing police to focus on more urgent public safety issues and calls for service. Building on these efforts, DOJ will pursue opportunities to expand support for comprehensive continuums of first response and service provision, including community responder models, through investments that will foster innovation, promote knowledge exchange and dissemination, and deepen our understanding of what works as alternatives to traditional police responses.

- **Implementing Crisis Intervention Training (CIT) for the U.S. Forest Service at the U.S. Department of Agriculture (USDA) to support mental health referrals instead of arrests.** U.S. Forest Service Law Enforcement and Investigations (LEI) will require every officer and agent to attend CIT by spring 2024 and incorporate this requirement into annual performance measures. CIT is an intensive program that provides officers/agents with the tools to recognize signs associated with individuals in crisis or who may have underlying mental health conditions. This program will train officers to make mental health referrals as opposed to conducting an arrest, in appropriate situations.

Expand treatment courts

Treatment court programs, as an alternative to incarceration for low-level, non-violent drug offenses, provide people with the underlying treatment they need for their mental health or substance use disorder. The Biden-Harris Administration is expanding and supporting drug treatment courts through the President's Safer America Plan and FY24 Budget proposal, and by:

- **Launching new training for state and local treatment court personnel.** With funding from ONDCP, the National Association of Drug Court Professionals (NADCP) recently launched new training that will provide the administrators of treatment courts with evidence-based best practices. ONDCP's goal is for 80% of all treatment courts to complete training and implement best practices by the end of 2025.
- **Investing in drug courts.** For example:
 - The Substance Abuse and Mental Health Services Administration (SAMHSA)'s Adult Treatment Drug Court program, which includes Tribal Healing to Wellness Courts, Family Treatment Drug Courts, and Adult Treatment Drug Courts, offer substance use disorder treatment and recovery support services, along with case management, in lieu of incarceration for eligible individuals in appropriate cases. DOJ also provides jurisdictions with resources to support treatment courts that serve families impacted by parental substance use disorders, as well as treatment



courts tailored to the needs of youth, including Tribal Healing to Wellness Courts that use culturally-appropriate approaches to address the substance use needs of Tribal youth.⁴⁰ SAMHSA's Adult Reentry Program supports reentry by linking people with ongoing services in their communities. To support these programs for FY23, SAMHSA will provide up to \$45 million, as well as training and technical assistance, to expand its Adult Treatment Drug Court program and Adult Reentry Program.

- The Bipartisan Safer Communities Act's Byrne State Crisis Intervention Program supports the implementation of drug treatment, mental health, and veterans' courts.
- DOJ makes grants to states and localities to support specialized treatment courts, a type of problem-solving court that diverts people charged with offenses related to substance use disorder into treatment programs in appropriate cases consistent with public safety.³⁸ The funding promotes access to evidence-based substance use treatment, including medications for opioid use disorder (MOUD), as well as key recovery support services, including transitional housing and peer support services.³⁹
- DOJ will prioritize efforts to promote equity within treatment courts, mitigate existing racial and ethnic disparities in access to and completion of these programs, and, in doing so, support successful outcomes and prevent and reduce the risk of future criminal justice system interaction, thereby enhancing public safety. DOJ is supporting a mixed-methods research study to examine racial disparities in treatment court admittance, with a focus on identifying interventions that will mitigate inequalities.⁴¹ DOJ is also supporting trainings and tools that will equip treatment courts to identify and mitigate drivers of racial and ethnic disparities within their existing policies and procedures.

Safely reduce veterans' unnecessary interactions with the criminal justice system

Roughly 200,000 men and women transition out of military service and back into civilian life each year. Most are able to do so successfully, but others face systemic challenges that lead to their involvement in the criminal justice system at some point over their lifetime. Our Nation can and must do better to support those who serve it. The Biden-Harris Administration will do so by:

- **Expanding law enforcement-led deflection programs.** The Department of Veterans Affairs (VA) will highlight additional tools law enforcement should use when interacting with veterans in need of mental health and substance use disorder services. The VA Police Service is collaborating with the Veterans Health Administration's (VHA) Office of Mental Health and Suicide Prevention (OMHSP) and the Veterans Justice Program (VJP) to foster the growth of community police interventions designed to deflect veterans into needed services and out of contact with the criminal justice system, resulting in better outcomes for veterans. VA-community law enforcement partnerships in Cincinnati, Ohio, and Coatesville, Pennsylvania have had success in the creation of Veterans Response Teams, which provide community interventions that provide veterans with supportive services and ease the burden on law enforcement in appropriate cases. The VA



Central Office collaborative is currently exploring options to expand support of these local efforts.

- **Expanding veterans' courts.** Through Veterans Justice Outreach (VJO), VA supports 623 Veterans Treatment Courts and other veteran-focused courts and is looking to expand these efforts. In addition, DOJ supports treatment courts that are designed to provide intensive judicial supervision and treatment to address the needs of veterans, and in doing so, support successful outcomes and prevent and reduce the risk of future criminal justice interaction, thereby enhancing public safety. DOJ will support a cross-site evaluation of veterans treatment courts to identify best practices, standards, and opportunities to increase the efficacy of these models across the United States. DOJ also participates in quarterly meetings with the Servicemembers and Veterans Initiative focused on policy and targeted outreach, such as medical-legal partnerships and diversion programs, for underserved populations of veterans.
- **Helping veterans at risk of incarceration.** VA's VHA serves justice-involved veterans through two dedicated national programs, known collectively as the VJP. VJP proactively identifies justice-involved veterans and engages them directly in order to facilitate access to VA services, such as health care and other supportive services, at the earliest possible point and throughout their criminal case. While VA cannot provide legal services, approximately 150 VA facilities host free legal clinics for veterans, operated by non-VA legal service providers. VA is working to expand these partnerships. For veterans who are homeless or at risk of homelessness, VA's newly launched Legal Services for Veterans Grant Program (LSV) will fund legal services to meet underlying needs that may pose a barrier to housing stability, including legal services for civil matters and criminal case-related barriers such as sealing and expunging records consistent with local law.

Ensure people are not incarcerated solely due to marijuana possession

The criminalization of marijuana possession has led to too many unnecessary interactions with the criminal justice system and upended too many lives. While White, Black, and Brown people use marijuana at similar rates, Black and Brown people are disproportionately arrested and prosecuted for marijuana use. In October 2022, the President announced a full, unconditional, and categorical pardon for prior federal simple marijuana possession offenses. This pardon lifts barriers to housing, employment, and educational opportunities for thousands of people with prior simple marijuana possession convictions under federal and D.C. law. The President also called on every state governor to follow his lead, as most marijuana prosecutions take place at the state level. Because this Administration is guided by science and evidence, the President called on the Secretary of HHS and the Attorney General to review how marijuana is scheduled under federal law.

Expand restorative justice approaches consistent with public safety

Restorative justice refers to collaborative and, often, community-based approaches to address the harm caused by a potential criminal offense. It can be part of or a substitute for a formal judicial process.²⁹ Typically, in a group setting, people who are facing criminal charges, and who are willing to take accountability, speak directly with people harmed by their conduct. Trained facilitators help the conversation support accountability, repair, and rehabilitation, in a safe and



trauma-informed manner that accounts for a person's life experiences.³⁰ Research shows that restorative justice approaches can serve as a vehicle to help survivors of crimes address their needs and concerns, while also reducing recidivism, including for serious offenses and repeat offenses.³¹ That is why the Biden-Harris Administration is:

- **Advancing curricula, research, and evaluation of restorative justice.** DOJ supported the launch of the National Center on Restorative Justice (NCORJ), which has developed curricula to educate undergraduate, graduate, and law students and criminal and juvenile justice professionals in the history, philosophy, and practices of juvenile, criminal, and restorative justice. NCORJ is working to translate these resources to support educational opportunities for incarcerated people and those participating in a judicially supervised drug or other treatment court. NCORJ will advance the use of voluntary restorative justice conferencing models that have necessary safeguards for survivors of crimes in communities, including the provision of small grants to launch new restorative justice projects. NCORJ will also support research and evaluation of restorative justice efforts, including: 1) assessments of impact on attitudes and recidivism; and 2) the costs associated with expanded restorative justice education for students, professionals, and incarcerated individuals.
- **Integrating restorative practices into federal Violence Against Women Act (VAWA) grants.** DOJ will leverage new authorities, provided under the VAWA Reauthorization of 2022, to support alternative pathways to justice through grants from the Office on Violence Against Women (OVW). In FY22, DOJ received an \$11 million appropriation to create a restorative practices program through OVW. In preparation, DOJ is examining current restorative practices that could be effectively replicated with the necessary safeguards in place for survivors. DOJ is also convening a series of conversations with experts in the field to assess when restorative practices are appropriate options and how they can be implemented to facilitate opportunities for safe, voluntary dialogue. Their feedback will inform DOJ's administration of funds, as well as identify efforts to integrate restorative practice options into other grant programs that can support these approaches.

Support approaches that break the cycle of criminal justice system involvement for victims of crime

Certain life experiences are strongly correlated with an increased likelihood of future criminal justice system interaction. For example, the percentage of girls in our juvenile justice system who have a history of physical or sexual abuse could be as high as 80 or 90%,³² and “by age 17, more than half of the youth in foster care have been arrested, convicted or confined overnight in a correctional facility.”³³ Furthermore, research shows that exposure to gun violence—whether as a survivor, bystander, or witness—can double the risk that a person will commit a violent act within two years.³⁴ The Biden-Harris Administration is committed to supporting victim-centered, evidence-based, trauma-informed, and culturally responsive strategies to meet the needs of crime victims and, in doing so, help break the cycle of criminal justice system involvement for victims of crime, including by:

- **Helping to end state and local criminalization of minors who are victims of sex and labor trafficking.** Federal law makes it clear that minors involved in a commercial sex act are trafficking victims—regardless of whether force, fraud, or coercion is present.



Yet, in many U.S. jurisdictions, for a variety of reasons, youth who are victims of sex and labor trafficking are arrested, detained, and confined. Child labor trafficking victims may also be criminalized due to conduct committed as a result of being trafficked. To address these issues, DOJ launched a grant program designed to end the criminalization of minors who are victims of sex trafficking by developing, expanding, and strengthening victim services, criminal justice, and community-based programs or entities that support victim-centered, trauma-informed, developmentally-appropriate, and culturally relevant responses to this victim population, which will enhance individual and community well-being and public safety outcomes.

- **Supporting approaches that break the cycle of violence.** To prevent victims from potential future involvement with the criminal justice system, CDC will explore opportunities that seek to prevent victims of trauma or violence from becoming perpetrators of violence or otherwise involved in the criminal justice system by strengthening: (a) household financial security to address poverty and financial stress via income supplements (e.g., tax credits, childcare subsidies, livable wages), income generating opportunities, and decreasing the gender pay gap; (b) family-friendly work policies such as providing paid leave and flexible and consistent work schedules; (c) enhanced primary care to identify and address ACEs exposures (e.g., proven brief screening assessments, such as SEEK, and referrals to services and supports); (d) patient-centered approaches such as universal prevention education and screening women of childbearing age for IPV and referrals to intervention; (e) supportive services and advocacy such as shelter, crisis intervention, counseling, hotlines, medical and legal advocacy, housing support, social support, and access to community resources; (f) housing programs that help survivors rapidly find access to stable and affordable housing such as emergency shelters, transitional and permanent supportive housing, rapid re-housing, or flexible fundings to address housing-related needs; (g) first responder and civil legal protections including orders of protection; or (h) treatment to lessen harms and prevent future problem behavior such as evidence-based family-centered treatment for substance use disorders, treatment for victims of sexual violence such as trauma-focused cognitive behavioral therapy, cognitive processing therapy, or prolonged exposure therapy; treatment for at-risk children and families to prevent problem behavior and potential future involvement in abuse or violence, including sex offending.

Support and empower survivors of gender-based violence

As a Senator, President Biden wrote and championed the first VAWA and then worked for decades to strengthen VAWA's support to survivors and increase prevention efforts. This past March, as President, he signed into law the strongest survivor protections to date through the VAWA Reauthorization Act of 2022. Additionally, through the omnibus appropriations bill, the Administration secured increases in funding for VAWA programs by more than 20%, bringing the total investment to \$700 million for 2023, as well as a 20% increase in funding for the Family Violence Prevention and Services Act, bringing the total investment to \$240 million. Over the last year, the Administration has been swiftly implementing the new and strengthened VAWA, including targeted actions to support Native survivors through the expanded recognition of special criminal jurisdiction of Tribal courts, updating the Department of Housing and Urban Development's (HUD) guidance on expanded VAWA housing protections, improving access to sexual assault medical forensic examinations, and enhancing grant programs to support



LGBTQI+ survivors, survivors of technology-facilitated abuse, and those in marginalized or underserved communities, including rural communities. Under the leadership of the White House Gender Policy Council, the Biden-Harris Administration is advancing 10 interconnected priorities identified in the National Strategy on Gender Equity and Equality through a whole of government approach and will soon publish the National Plan to End Gender- Based Violence, highlighting key strategies for action. In addition, The Biden-Harris Administration is taking other actions, including:

- **Breaking the cycle of victimization and violence.** DOJ OJP, in partnership with the Association of Prosecuting Attorneys, is launching a cohort of prosecutor-led diversion programs tailored to survivors of gender-based violence who are involved as defendants in the justice system. These models will divert survivors of gender-based violence away from traditional prosecution, in appropriate cases, into victims' services and other supports closely tailored to their needs. This initiative will work to break cycles of victimization and justice-system involvement, in order to create more equitable public safety outcomes for all and strengthen safety within communities across the country.

Invest in safe, high-quality early care and education to prevent juvenile justice system interaction

President Biden is working to ensure that young children and students of all ages have access to safe, high-quality early care and education. The President's Budget for FY24 for HHS would ensure access to affordable, high-quality child care for families earning up to \$200,000, with most families paying no more than \$10 a day for child care, and providing universal access to high-quality preschool for every four-year-old in America. Not only would this help individuals, it would lead to societal benefits such as greater productivity and economic growth; reduced individual reliance on government transfers; and improved health, increased high school graduation, and reduced crime. President Biden is also advancing equity in educational settings, including preschool. Recently, the Department of Education (ED) released a [letter](#) calling for the end of corporal punishment in all educational settings, including public preschool settings. Despite years of research linking corporal punishment to poorer psychological, behavioral, and academic outcomes, tens of thousands of children and youth are subjected to physical harm in school every academic year, with students of color and students with disabilities disproportionately affected. The Administration also supports opportunities for youth who have become disconnected from school, including the Performance Partnership Pilots program, which offer a unique opportunity to test innovative, cost-effective, and outcome-focused strategies to achieve significant improvements for youth in educational, employment, and other key outcomes. Additionally, the 21st Century Community Learning Centers (21st CCLC) program provides \$1.3 billion in formula funds to states to support before-school, after-school, and summer learning programs for K-12 students, which can help middle and high school-aged students avoid situations that may result in interactions with the justice system. In addition to these efforts and other efforts underway, the Biden-Harris Administration is:

- **Funding youth delinquency prevention, intervention, and diversion programs.**
 - DOJ provides states and localities with funding they may use for specific delinquency prevention, intervention, and youth diversion activities. Building on this work, DOJ will be delivering support for states and localities to, when



appropriate, divert youth from incarceration and into effective community services and strategies. As part of the initiative, states and localities will engage in a community-driven planning process that leverages the expertise of impacted youth and their families to develop a blueprint for jurisdictions to decide how to reimagine unused or underused juvenile justice facilities into community assets, thereby addressing the economic impact on the surrounding community, and promoting public safety and positive outcomes for young people. Stakeholders may explore opportunities to convert juvenile justice facilities into community resources that foster safety and well-being and provide valuable services, such as reentry centers, social service hubs, treatment facilities, affordable housing, public parks, youth recreational centers, or other priorities identified by the community to meet residents' needs consistent with public safety.

- By supporting families and parents through services that address mental health problems, substance use, or the potential to engage in criminal behavior, we can more successfully reduce children's exposure to ACEs in the first place. Through the Essentials for Childhood: Preventing Adverse Childhood Experiences through Data to Action (PACE D2A) program, funded communities engage in a variety of evidence-based strategies to seek to prevent and reduce ACEs. This work is already underway. CDC will explore opportunities that could expand the program and widen the scope to focus on ACEs prevention and surveillance on common contributors to criminal justice involvement.
- The CDC's National Centers of Excellence in Youth Violence Prevention (YVPCs) work to develop, implement, and rigorously evaluate innovative strategies to prevent violence and create safer, healthier family and community environments for youth. This work is already underway. CDC will explore opportunities that would enable current YVPCs to examine a subset of youth who are justice-involved or have parents who have experienced incarceration.
- **Invest in education, job training, cultural connections, and other opportunities for Native youth to prevent their involvement in the justice system.** Native youth are disproportionately represented in the juvenile justice, criminal justice, and foster care systems, and have higher rates of obesity, suicidality, alcohol and drug use, and poverty than their non-Native counterparts. In addition, Native youth have lower academic achievement and graduation rates than non-Native youth. Using FY24 Tiwahe funding requested in the FY24 Budget, the Department of the Interior (DOI)'s Bureau of Indian Affairs will fund Tribal efforts to expand prevention and intervention programming that will reduce Native youth involvement in the juvenile and adult criminal justice systems by focusing on upstream investments that improve Native youth well-being and educational, health, housing, employment, childcare, and cultural connection outcomes. Tiwahe is an extensive and bold approach to furthering Indian self-determination and self-governance. It provides Tribes with flexibility in the administration of key Tribal programs, supports Tribal economic self-sufficiency, and strengthens Tribal cultural connections. Through this new pilot, the selected Tribe's programming will serve as a proof-of-concept to potentially expand this initiative to all interested and eligible Tribal Nations.



- **Funding alternatives to incarceration for parents and primary caregivers, when in the interest of public safety and their children.** Numerous studies highlight the negative social, psychological, and developmental effects of incarceration on the approximately 2.7 million children under age 18 who have at least one parent in prison.³⁵ More than half of incarcerated adults are parents of minor children, and these parents are often housed in facilities more than 100 miles away from their kids.³⁶ Incarceration “disrupts parent-child relationships, alters the networks of familial support, and places new burdens on governmental services such as schools, foster care, adoption agencies, and youth serving organizations.”³⁷ These impacts are particularly severe when a child’s sole caregiver is incarcerated, as is the case for approximately two-thirds of incarcerated mothers.³⁸ Through its grant funding, DOJ will leverage resources to support alternatives to incarceration for parents and primary caregivers, when in the interest of public safety and the best interest of the children, by investing in judicially-supervised accountability strategies that divert parents and primary caregivers with the goals of promoting family unification, preventing children from entering the foster care or juvenile justice systems, and enhancing public safety.

Reduce the criminalization of homelessness

People experiencing unsheltered homelessness often face tickets, fines, arrests, and criminal charges for sleeping, camping, or living outdoors. A person who lacks housing is up to 11 times more likely to be arrested than someone with housing.³⁹ As part of President Biden’s FY24 budget, he is calling on Congress to fund \$3.7 billion for Homeless Assistance Grants to meet existing needs and expand assistance to nearly 25,000 additional households, including survivors of domestic violence and sexual assault, and homeless youth. In December 2022, the Biden-Harris Administration outlined its strategic plan to reduce homelessness by 25% by 2025.⁴⁰ In addition, the Biden-Harris Administration is helping make sure that homeless individuals do not end up interacting with the criminal justice system just because they are homeless. For example:

- **Helping communities resolve homeless encampments while avoiding criminalization of homelessness.** HUD launched a new initiative that will provide 62 communities with \$486 million in grants and over 3,300 rental assistance vouchers to implement proven, cost-effective approaches to solving unsheltered homelessness, including in rural areas, by connecting people to housing and voluntary supportive services. Alongside these resources, HUD is providing communities with technical assistance on how to resolve homeless encampments through the coordinated provision of housing and supportive services, including the ways that law enforcement agencies can support humane, cost-effective approaches and avoid criminalization of homelessness.
- **Improving understanding of police responses to homelessness.** DOJ will fill a knowledge gap around justice system responses to people experiencing homelessness by funding and supporting the development and analysis of an inventory of current policing practices related to homelessness.

Address minor traffic and other non-violent public order infractions that do not merit law enforcement intervention

Black and Latino people are disproportionately subject to police-initiated contact in a variety of circumstances, including through traffic stops.⁴¹ Research shows that people⁴² and communities



that perceive themselves to be subjected to a disproportionate number of traffic stops are less likely to voluntarily reach out to police or trust the police.⁴³ Public trust and public safety are mutually reinforcing goals: without public trust, people do not call for help, witnesses do not come forward, and crimes are not solved. We must advance approaches that increase both. The Biden-Harris Administration is:

- **Developing recommendations to strengthen traffic safety while also reducing unnecessary interactions with law enforcement.** In April 2023, the Department of Transportation (DOT) launched a new Subcommittee on Equity and Safety to provide feedback and recommendations to the Secretary, including potential recommendations to address issues such as: reforming traffic safety programs that have traditionally relied on law enforcement; improving equity in traffic enforcement through training; expanding the use of Section 1906 funds to prohibit racial profiling in traffic enforcement; and preventing speeding by studying and piloting the equitable application of automated or enforcement strategies, and how DOT can leverage its grantmaking and programs. DOT received over 240 applications for membership, including from people with lived experience and criminal justice organizations.
- **Improving guidance on speed safety cameras.** Speeding is sometimes – but not always – a minor traffic violation. Since 2008, when DOT last issued guidance on speed safety cameras, there have been significant updates to the technology, and jurisdictions across the country have adopted or eliminated speed safety camera programs. When used properly, speed safety cameras ease the burden on law enforcement and deter dangerous driver behavior. However, depending on how fines are assessed and collected, where cameras are placed, and how driver privacy is protected, speed safety cameras have the potential to exacerbate existing inequities. That is why DOT will update guidance on speed safety camera programs to promote best practices, including by directly addressing equity and civil rights concerns while still promoting safety.
- **Evaluating deflection in appropriate non-violent cases involving the U.S. Forest Service.** Current regulations limit a U.S. Forest Service law enforcement officer's or agent's choices to refer a case for federal or state criminal charges even if they are non-violent violations of the law. USDA's Office of General Counsel and LEI component are evaluating regulatory changes that would allow an officer/agent to write a violation notice with an assigned fine that may be paid in lieu of an appearance in court for criminal charges.
- **Supporting community-driven strategies to address less serious and low-level offenses consistent with public safety and to ease the burden on law enforcement.** In 2022, DOJ launched Reimagining Justice, a new grant program that empowers community stakeholders to develop and implement their own models that address less serious and low-level offenses, easing the burden on law enforcement and strengthening public safety. Through this program, DOJ is investing \$3 million in a data-informed community engagement initiative in Newark, New Jersey. The Newark Public Safety Collective will facilitate data-informed discussions among local leaders and multi-sector partners to develop an actionable agenda for achieving the community's public safety objectives, with a focus on identifying community-driven solutions to less serious and low-level offenses.



- **Investing in state and local community courts to address less serious and low-level offenses consistent with public safety.** DOJ funds the implementation of community courts, a type of problem-solving court that connects individuals charged with less serious and low-level offenses to judicially-supervised alternative sanctions and community-based services, such as case management, housing assistance, job training, and other resources tailored to the needs of the individual in appropriate cases consistent with public safety. While the structure and focus of community courts vary based on local context, many are designed to serve populations such as veterans, individuals experiencing homelessness, and/or people with a history of substance use or mental health disorders.

Improve the Federal Government's ability to use data and evidence to strengthen public safety and equal justice through federal policy, funding, and programs

Our criminal justice institutions and spending are among the least-measured systems and funding streams in our country, but the consequences of criminal justice system involvement are far-reaching. In order to maximize the impact of taxpayer dollars to advance public safety and equal justice, we must improve how we measure and analyze the effect of policy, funding, and other decisions. This paucity of quantitative data, as well as the dearth of qualitative feedback from people who have been stopped, searched, arrested, detained, charged, convicted, sentenced, incarcerated, and/or released, has hindered our ability to measure the impact of existing initiatives, pinpoint gaps in the evidence, and identify opportunities to do better. We also lack disaggregated data—data that can be broken down and analyzed by race, ethnicity, gender, disability, income, veteran status, age, or other key demographic variables.⁴⁴ But data availability is not the only problem. Because of biases in determining which data is important (and thus should be collected) and how it is collected, we must address and control for these implicit value judgments when developing policy and analyzing available data. While government has an important responsibility for data collection and evaluation, the private sector, philanthropy, faith leaders, researchers, and civil society have complementary roles to play to ensure we develop and implement a coordinated and comprehensive approach to data collection and evaluation to improve the criminal justice system in its entirety. To improve the operation of the criminal justice system, the Biden-Harris Administration is:

- **Improving criminal justice system data.** In January 2022, the Biden-Harris Administration launched Justice Counts as a consensus-building initiative led by DOJ OJP, the Council of State Governments (CSG) Justice Center, and an unprecedented coalition of 21 partner organizations representing wide-ranging expertise across the criminal justice field. The initiative will deliver a set of key recommended criminal justice metrics, as well as aggregation tools to help leaders reach informed decisions using existing data without costly upgrades.⁴⁵
- **Investing in comprehensive research focused on racial and ethnic disparities in the criminal justice system.** DOJ is investing in a comprehensive review of research focused on racial and ethnic disparities in the criminal justice system, with the goal of identifying interventions with the potential to reduce disparate treatment, as well as those policies and practices that have exacerbated disparities. The analysis, led by a team of DOJ-funded researchers at Arizona State University, will assess disparities across all stages of the justice system, including police decisions to arrest, to stop-and-frisk or stop-and-



search, and to use force; pretrial decisions regarding bail, detention, and diversion; prosecutors' charging and plea bargaining decisions; jury selection outcomes, including use of peremptory challenges; judges' sentencing decisions in capital and noncapital cases and probation revocation decisions; juvenile justice outcomes, including intake, detention, adjudication, and placement, as well as decisions to waive or transfer juveniles to adult criminal court; and correctional officials' decisions to grant or revoke parole. The findings will offer critical insights to policymakers and practitioners seeking to target the drivers of racial and ethnic disparities within existing policies and practices, and to implement interventions with the greatest potential for promoting equity in justice system outcomes.

- **Developing a blueprint for social and behavioral science research to advance evidence-based policymaking.** As part of the National Science and Technology Council, the White House Office of Science and Technology Policy, National Institutes of Health, and National Science Foundation co-chair the Subcommittee on Social and Behavioral Sciences (SBS) to provide executive departments and agencies a forum for discussing the use of social and behavioral science methods and evidence to promote, prioritize, and expand the scope of evidence-based methods in federal policymaking. The SBS can advance equity in and the effectiveness of the criminal justice system through tailored memoranda, briefings, and interagency working groups focused on how to leverage social and behavioral scientific best practices, evidence synthesis, and measurement.

Advance safe, effective, and accountable interactions with law enforcement

When law enforcement encounters do occur, we must ensure that those encounters build public trust and strengthen public safety. Police cannot fulfill their role to keep communities safe without public trust and confidence in law enforcement and the criminal justice system. Yet, there are places in America today where the bonds of trust are frayed or broken. To heal as a nation, we must acknowledge and address the fact that fatal encounters with law enforcement disproportionately involve Black and Brown people. President Biden is committed to doing everything he can to make our communities safer, including by advancing effective, accountable policing. Our criminal justice system must protect the public and ensure fair and impartial justice for all. These are mutually reinforcing, not competing, goals. The Biden-Harris Administration has taken and will continue to take action to advance effective, accountable policing, build trust, and improve public safety so that we make the promise of equal justice under the law a reality for all, including by:

- **Re-issuing the Call for Congress to Pass the George Floyd Justice in Policing Act.** The President will again call for Congress to pass the George Floyd Justice in Policing Act to advance accountability, transparency, and public trust in law enforcement. Real change at the state and local level requires Congressional action.
- **Making Federal Policing the Gold Standard of Effectiveness and Accountability.** After Senate Republicans blocked passage of the George Floyd Justice in Policing Act last year – even though law enforcement groups supported a deal – President Biden signed a historic executive order to advance effective, accountable policing and strengthen public safety. The order requires federal law enforcement agencies to: ban chokeholds; restrict no-knock warrants; mandate the use of body-worn cameras; implement stronger use of force policies, including with the duty to intervene and duty to



render medical aid; provide de-escalation training; submit officer misconduct records into a new national database; and restrict the transfer of military equipment to local law enforcement agencies, among other things. While the President cannot mandate changes at the state and local level, the order incentivizes state and local reforms through grantmaking, new accreditation standards, and training and technical assistance. The Administration is actively implementing the order. For example, agencies have already prohibited chokeholds and restricted no-knock entries, updated their use of force-policies, and prohibited the transfer of military-grade weapons and equipment to local law enforcement agencies.

- **Calling on Congress to fund more community policing.** The President’s Safer America Plan would fund 100,000 additional police officers at the state and local level who will be recruited, trained, hired, and supervised — consistent with the standards in the President’s Executive Order — in order to enhance trust and public safety.

Support evidence-based pretrial approaches that strengthen public safety and equity

Over 70% of the U.S. jail population — approximately 536,000 people — have not been convicted of a crime and are awaiting resolution of their criminal case.⁴⁶ The use of pretrial detention increased 433% from 1970 to 2015.⁴⁷ According to a group of current and former prosecutors and law enforcement leaders, holding people in jail solely due to inability to pay “unnecessarily destabilizes individuals, families and communities and erodes trust that is integral to the effective functioning of our justice system.”⁴⁸ People who cannot afford to pay bail and are held in jail for that reason alone are “more likely to lose their jobs, fall behind on rent, and lose custody of their children.”⁴⁹ Whether someone is detained while waiting for a trial should depend on the risks they pose, not their ability to pay. A judge should make that decision based upon objective information about risks to the community—not based on how much money a person has. That is why the Biden-Harris Administration is:

- **Supporting innovative state and local pretrial strategies that enhance public safety through federal grants.** DOJ funds state and local strategies that connect people who a judge has released on bond with community-based services that have been shown to advance public safety and increase court appearance rates for people released on bond in appropriate cases consistent with public safety. To build the evidence base, DOJ is supporting assessments of statewide pretrial reforms that will yield actionable insights for policymakers about pretrial release for individuals who do not pose a risk of flight or danger to the community.
- **Disseminating guidance on state and local pretrial services to advance public safety.** DOJ has provided critical guidance to the field in the area of pretrial services through a series of publications developed by the National Institute of Corrections (NIC), including a recent set of publications that present a new paradigm for the pretrial field and will help advance public safety outcomes.

Appointing and confirming to the federal bench a historic number of public defenders and civil rights attorneys who provide a broad range of viewpoints and experiences.

Former prosecutors and corporate lawyers make up nearly 7 in 10 judges on the federal bench. Public trust and equal justice are enhanced when the judiciary is comprised of highly qualified



individuals representing a broad range of viewpoints and experiences. That is why President Biden has nominated and will continue to nominate judges who reflect the best of America and who look like America, including talented people with legal experiences that have been historically underrepresented on the federal bench. Since January 2021, President Biden has made 163 federal judicial nominations. That total reflects 37 nominations of former public defenders, at least 28 nominations of former civil rights attorneys, 104 nominations of women, and 105 nominations of people of color. In April 2022, President Biden secured the confirmation of Ketanji Brown Jackson as Associate Justice of the U.S. Supreme Court, the first Black woman to ever serve on the Court. Additionally, the U.S. Sentencing Commission is a bipartisan independent agency created during the Reagan Administration to reduce sentencing disparities and promote transparency and proportionality in criminal sentencing. However, from 2019 to 2022, the Commission lacked a quorum, preventing it from doing critical business. In August 2022, the Senate confirmed President Biden's seven bipartisan, experienced, and qualified nominees for the U.S. Sentencing Commission, including the first Black chair of the Commission and first former federal public defender vice-chair.



Goal 2: Supporting Rehabilitation During Incarceration

Nearly 95% of persons in jails and prisons will return home to their communities.⁵⁰ We must ensure that their time spent incarcerated is used to address their underlying needs and prepare them to succeed, reintegrate into their communities, and enhance public safety and economic outcomes. The Federal Government must support safe and humane conditions of confinement and provide incarcerated individuals with opportunities for meaningful family connection, education, health care, job training, and release planning. This approach not only improves the well-being and safety of incarcerated persons and correctional staff, but also increases successful reentry outcomes, reducing recidivism⁵¹ and preventing crime. This requires that we recognize the significant and transformational role correctional officials and leaders can and do play in preparing people under their care for success upon release.

From Principle to Practice

The remainder of this section outlines additional steps the Administration is taking to advance strategies to support rehabilitation during incarceration. For details regarding how DOJ is supporting rehabilitation in the federal system, please access their report [here](#).

Improve educational opportunities for incarcerated persons

Incarcerated persons have lower average literacy and numeracy scores than the general U.S. population.⁵² Nearly 40% of individuals in state or federal prison have at least one disability; almost a quarter of people in state or federal correctional institutions report participating in special education classes.⁵³ A quarter of formerly incarcerated people do not have a high school diploma or General Education Diploma (GED).⁵⁴ People who obtain their GEDs while in prison increase their earnings by 24-29% within the first year of release.⁵⁵ Moreover, people who participate in correctional education programs are 13% less likely to recidivate than those who do not.⁵⁶ In today's economy, a college education is a significant advantage in earning a good income: the median weekly earnings of workers with a bachelor's degree is more than \$500 dollars higher than those with a high school diploma and nearly \$700 higher than those without a high school diploma.⁵⁷ To advance educational opportunities for incarcerated persons, the Biden-Harris Administration is:

- **Leveraging full Pell Grant reinstatement to help people in jails and prisons access postsecondary education.** Although 29% of the general population has completed postsecondary education, only 4% of formerly incarcerated people have done so.⁵⁸ The Second Chance Pell experiment, launched during the Obama-Biden Administration, has provided education opportunities for thousands of justice-involved individuals who previously could not access federal need-based financial aid necessary to attain a postsecondary education. In 2022, the Biden-Harris Administration invited 73 new sites to participate in Second Chance Pell. Presently, 200 colleges and universities have been invited to participate in the initiative with support from the Pell Grant program to support rehabilitation during incarceration. Beginning on July 1, 2023, over 760,000 incarcerated people could be eligible for a Pell Grant due to a 2020 federal law.⁵⁹ ED will implement



these changes, allowing eligible students in prison education programs to access federal Pell Grants. In future years, ED will seek to enhance its technical assistance to further support the creation and expansion of successful prison education programs. DOJ is supporting training and technical assistance to help scale up postsecondary educational opportunities in prisons across the country, and will support the provision of ongoing training and technical assistance for correctional and educational institutions to meet the demand for high-quality and equitable college programming.

- **Promoting state and local correctional education and employment programs through federal grants.** Through Second Chance Act grants, DOJ supports state and local-level correctional education services that help incarcerated students obtain high school or high school equivalent degrees, as well as programs that facilitate vocational training and other certifications.
- **Expanding opportunities for adult basic education, high school equivalencies, literacy, and career and technical training to support youth and adult learners, and special education and related services for eligible children and youth with disabilities.** ED plans to support collaboration among its technical assistance centers to strengthen their focus on correctional and reentry education and to provide targeted technical assistance to the field in areas such as adult basic education, high school diplomas and equivalencies, special education and related services for eligible children and youth with disabilities, career and technical education, career pathways programs, and postsecondary education coinciding with the reinstatement of Pell for individuals who are incarcerated. Additionally, ED plans to expand opportunities for integrated education and training (IET) programs for adult learners in correctional facilities by providing technical assistance and working with over 36 state and local teams to deliver this support. IET programs help people in jails and prisons advance their literacy and education while also obtaining necessary job credentials and certificates. Similarly, this year, ED plans to conduct outreach to state and local leaders, and plans to issue guidance on helping justice-involved youth transition to the world of work, self-sufficiency, and community engagement.
- **Building public-private partnerships to support correctional and reentry education.** In order to improve correctional education, the Federal Government must work in close collaboration with private and other public partners to build, strengthen, and sustain these relationships. This year, ED plans to collaborate with philanthropy to develop and fund targeted support to help incarcerated students access educational opportunities and work with prison education program in colleges and universities, as well as juvenile justice detention centers, to navigate key challenges and barriers. ED plans to use FY23 funds to launch this work and build out a proof of concept. In order to deliver the necessary transformational change, the President's FY24 budget requests a much higher level of investment to scale and strengthen this work. If Congress fulfills the President's budget request, ED would explore a complementary discretionary grant program for corrections agencies, institutions of higher education, and other stakeholders to create and expand support for prison education programs. This could also include partnerships between correctional educators and other corrections staff to facilitate more robust secondary and postsecondary educational offerings.



- **Investing in formerly incarcerated individuals' digital literacy.** Education is one of the primary ways to help people reduce their risk of recidivism after release. But despite the importance of education, people in jails and prisons lack access to digital technology and skills that are essential. That is why the U.S. Department of Commerce (DOC) [Digital Equity Planning Grant](#), through the National Telecommunications and Information Administration (NTIA) and funded by the BIL, will provide \$60 million to states and Puerto Rico to invest in digital literacy and equity programs for underserved communities, explicitly including incarcerated and formerly incarcerated persons, to help prepare them for educational and employment success after release.

Focus on conditions of confinement

Incarcerated persons disproportionately have experienced trauma prior to their involvement with the criminal or juvenile justice system. Addressing these traumas through treatment and support services is crucial to supporting rehabilitation. Between 62 and 87% of incarcerated adult males have experienced trauma at some period before incarceration.⁶⁰ A national survey found that one in six incarcerated men experienced sexual and physical abuse in childhood.⁶¹ A survey of Illinois state prisoners found that one-fourth of male inmates met the criteria for post-traumatic stress disorder (PTSD),⁶² which has a strong correlation with increased likelihood of substance use disorders and higher rates of recidivism.⁶³ Trauma is also an acute issue among women who are incarcerated. Almost half of incarcerated women have a history of trauma, in addition to substance use disorders and mental health histories. Approximately 60% of women in state prisons have experienced physical or sexual abuse, with one third of these women having been abused by another inmate and nearly a quarter having been abused by a family member in the past.⁶⁴ More than one in five incarcerated women meet the criteria for PTSD, with up to 90% of incarcerated women having experienced violence.⁶⁵ Implementing trauma-informed care in custodial settings can help to support incarcerated persons and correctional staff alike.⁶⁶ Cognitive behavioral therapy is effective at reducing recidivism, particularly when coupled with supervision, employment, education, and additional mental health counseling.⁶⁷ To support this, the Biden-Harris Administration is:

- **Launching the Jails and Justice Support Center.** In 2019, DOJ convened a Jails Support and Technical Assistance Workgroup to assist state and local law enforcement agencies that operate jails to comply with constitutional standards for corrections. Building on this work, the National Institute of Corrections (NIC) and OJP are launching the Jails and Justice Support Center, a national training and technical assistance hub to guide jail administrators in establishing safe and humane environments that effectively serve residents, visitors, and staff. The Center will deploy a cadre of subject matter experts to define constitutionally-sound standards of practice and core competencies for jail facilities that draw on lessons from DOJ consent decrees, Bureau of Justice Statistics jail mortality data, and other relevant research. The Center will then work directly with jails nationwide to conduct individualized assessments and deliver actionable recommendations for aligning existing practices, protocols, and training with constitutional standards and best practices for jail administration.
- **Reducing the use of restrictive housing in state and local correctional facilities.** DOJ OJP is funding intensive training and technical assistance to help state and local correctional agencies adopt reforms designed to reduce the use of restrictive housing and



will support the development of resources that amplify successful approaches in order to inform similar efforts across the country.

- **Promoting data-driven decision-making in state and local correctional facilities.** Through OJP, DOJ will build capacity among correctional agencies to leverage data to allocate resources more efficiently, reduce over-crowding and prevent safety incidents, increase access to and quality of correctional programming, and identify and mitigate racially disparate outcomes.
- **Helping states, localities, and territories combat COVID-19 in correctional settings.** DOJ is partnering with the CDC to support the detection and mitigation of COVID-19 in correctional institutions nationwide. With funding made available through President Biden's ARP, CDC is investing approximately \$700 million in state, local, and territorial health departments to implement responses to COVID-19 in jails, prisons, and other confinement facilities. DOJ will provide training and technical assistance to support grantees in maximizing the impact of these funds, which can be used to conduct testing and contact tracing, develop and implement preparedness procedures, expand video conferencing technology for family or attorney visits and other purposes, and deliver telehealth services and virtual programming, as well as other strategies for addressing the myriad impacts of COVID-19. As appropriate, DOJ will also offer training and technical assistance to support safe reductions in correctional populations as a tool for mitigating the spread of COVID-19.
- **Supporting effective emergency responses in state and local juvenile justice facilities.** DOJ will release a revised version of its guidance document, Emergency Planning for Juvenile Justice Residential Facilities, to incorporate lessons learned from the COVID-19 pandemic and other recent emergencies and natural disasters. Along with this guide, DOJ provides grant funding to juvenile facilities that seek to implement emergency planning activities that better enable them to respond to and recover from these incidents.
- **Focusing on conditions of confinement in Tribal detention centers.** The mission of the BIA Office of Justice Services (OJS) is to uphold Tribal sovereignty and provide for the safety of Indian communities by ensuring the protection of life and property, enforcing laws, maintaining justice and order, and helping to ensure that sentenced American Indians are confined in safe, secure, and humane environments. OJS oversees, or directly operates, more than 90 detention centers throughout Indian Country. Running these facilities well requires the right personnel, including correctional supervisors and officers, armed transport officers, and support staff. Hiring additional staff will allow OJS to operate detention centers at full capacity and avoid potential overcrowding. Additional staff will enable OJS to improve access to health care and rehabilitative services for people in their custody. OJS is developing a comprehensive recruitment and retention strategy to increase the number of corrections officers, including detention supervisors. In addition, OJS and BIA leadership will engage in active consultation with Tribes to address potential overcrowding, including by evaluating alternatives to pre-trial detentions, such as release for good behavior, electronic monitoring, or video arraignments. OJS and BIA leadership plan to engage in Tribal consultation on these issues in the second quarter of 2023.



- **Expanding supports for young survivors of sexual abuse in the justice system.** DOJ is prioritizing resources to address sexual victimization among justice-involved young people by launching a program focused on expanding service provision to survivors of sexual abuse in the juvenile justice system. These new investments are designed to facilitate partnerships between youth detention facilities and community-based providers to deliver sexual abuse survivor services that are rooted in racial equity and are relevant to youth of color, LGBTQI+ youth, and youth with disabilities.
- **Reducing barriers to reporting sexual abuse in correctional facilities.** DOJ is pursuing avenues to reduce barriers to incident reporting and victims' services for individuals who experience sexual abuse while incarcerated. DOJ issued a planning grant in FY21 for a National Service Line for Incarcerated Survivors of Sexual Abuse, with separate, competitive funding for the implementation phase expected in FY24, subject to the availability of appropriations. This initiative is intended to help ensure that survivors have access to quality support services and a mechanism for reporting sexual abuse and harassment in detention. The grant recipient, Urban Institute, completed a literature review and will next conduct interviews and focus groups with incarcerated individuals, correctional staff, and Prison Rape Elimination Act (PREA) auditors. The ultimate product from the planning grant will be a blueprint for a possible reporting mechanism for incarcerated persons.

Improve access to medical care for incarcerated persons

Several studies have concluded that an incarcerated person's "physiological age averages 10–15 years older than his or her chronological age due to the combination of stresses associated with incarceration and the conditions that he or she may have been exposed to prior to incarceration."⁶⁸ Justice-involved people are more likely to experience chronic health conditions,⁶⁹ including asthma, diabetes, cardiovascular disease, and obesity.⁷⁰ Custodial settings control the most important factors of an individual's health – diet and exercise.⁷¹ The quality and quantity of meals are dictated by custodial staff, leaving the incarcerated person with limited options to control their diet.⁷² In addition, incarcerated people suffer disproportionately from substance use disorders and mental health issues. Approximately three in five people incarcerated in state prisons and jails suffer from substance use disorder, but only a small portion of individuals with a substance use disorder receive treatment while incarcerated.⁷³ The weeks immediately following reentry are when individuals are most vulnerable to relapse, suicide, and recidivism.⁷⁴ People recently released from incarceration are over 40 times more likely to die from an opioid overdose than the general population, according to one study.⁷⁵ People who are enrolled in health care coverage when released are more likely to use community-based services that could help reduce their chances of recidivating.⁷⁶ Furthermore, approximately 43% of state prisoners, and 44% of persons in local jails, have been diagnosed with a mental health condition; of those in state prisons, 74% have not received any mental health treatment or care while incarcerated.⁷⁷ In order to improve medical care for incarcerated individuals, the Biden-Harris Administration is:

- **Expanding access to medications for opioid use disorder in jails and prisons.** One study found that the risk of opioid overdose death within two weeks of release from correctional facilities can be as much as 129 times greater than the risk for the general population.⁷⁸ But FDA-approved medications for opioid use disorder (MOUD)—save



lives, and are associated with an 80-85% reduction in post-release overdose deaths among recently incarcerated people in the first month after their release.⁷⁹ However, many correctional facilities in the United States do not offer MOUD to people in their custody who need it, increasing the likelihood of relapse, overdose, and death.

- DOJ's Jails and Justice Support Center will include resources for jails to increase access to evidence-based substance use treatment and recovery services, including MOUD. Jails face unique challenges in this area and need specific guidance and support to meet the needs of individuals who are actively using substances and/or have substance use disorder. As such, NIC and OJP collaborated on a brief describing the scope of the challenges facing jail administrators related to substance use withdrawal and the high potential for it to lead to deaths. The document provides an overview of constitutional rights and key legislation regarding substance use withdrawal and outlines steps for creating a comprehensive response for individuals with substance use disorders in a jail setting. In addition, DOJ is working with an expert committee of medical and criminal justice professionals, including addiction specialists, correctional health care providers, and jail administrators, to develop guidelines to support the effective management of substance use withdrawal in local jails.
- To expand access to MOUD for people in federal custody, SAMHSA has collaborated with the Federal Bureau of Prisons (BOP) as part of BOP's plan to establish a hub-and-spoke model for methadone access. As part of its collaboration with BOP, SAMHSA will also develop a toolkit and guideline for a best practices document to include template forms, checklists, and case examples to address identified needs that can be used by state and local correctional facilities. SAMHSA will also increase its technical assistance and training efforts with DOJ to assist in the development and refinement of policies and procedures related to medication and other treatment service delivery standards.
- SAMHSA, in partnership with DEA and OJP, has held a set of listening sessions with relevant stakeholder groups across criminal justice and treatment arenas to identify: (1) best practices and successful models of MOUD delivery in state and local correctional settings; and (2) technical assistance, training, and implementation needs for further MOUD expansion. SAMHSA will use the findings of these listening sessions to convene a policy academy to advance MOUD expansion in five state correctional settings.
- **Focusing on access to health care for incarcerated American Indians.** BIA OJS is engaging with their federal partners at HHS Indian Health Services (IHS) to support medical and health care services for incarcerated American Indians, including by entering into memoranda of understanding, where appropriate.

Nurture bonds with family

Our identity, dignity, and meaning derive from our relationships with family and friends, which are strained by virtue of criminal justice system involvement.⁸⁰ In-person visits in jails and prisons have been shown to encourage prosocial conduct and decrease disciplinary incidents in the weeks preceding a family visit, and reduce reincarceration after release by 26%.⁸¹ But since



the 1990s, many prisons have been constructed in more remote areas, making it costly and difficult for loved ones to visit in-person. While phone calls are no substitute for in-person visits,⁸² they can help improve relationships between children and incarcerated parents, and are associated with a reduced risk of recidivism.⁸³ That is why the Biden-Harris Administration is:

- **Capping costs and fees for jail and prison calls.** In January 2023, President Biden signed into law the Martha Wright-Reed Just and Reasonable Communications Act of 2022, which clarifies that the Federal Communications Commission (FCC) has the authority to regulate intrastate audio and video calls from jails and prisons. This legislation rolls back a decision made by the previous Administration, which led to steep increases in fees for intrastate phone calls in jails and prisons. In March 2023, the Commission voted to begin the rulemaking process to cap the cost of intrastate calls to and from people in jails and prisons.
- **Supporting family engagement at the state and local levels.** DOJ is committed to facilitating positive family engagement opportunities in state and local correctional facilities. To that end, DOJ provides funding for facilities to create child-friendly visiting spaces, offer transportation assistance to facilities for in-person family visits, expand access to video visitation, and implement parenting classes and programs, and other activities designed to strengthen family relationships. DOJ also supported the development of a set of model practices in July 2019 for correctional administrators to remove barriers to family connections and support relationships between incarcerated parents and their children. DOJ has made grants to several prisons and jails to promote the integration of these model practices into the day-to-day operations and cultures of correctional facilities, and will support the documentation of innovative and promising practices accomplished under these grants in order to inform similar efforts across the nation.

Provide high-quality training to correctional leaders in order to prioritize rehabilitation in jails and prisons

Correctional officials and leaders play a transformational role in preparing people under their care for success upon release. On a practical level, correctional leaders play the most significant role in determining how meaningful the opportunities for rehabilitation are. They work with individuals going through some of the most difficult periods of their lives—people who struggle with behavioral and mental health issues; histories of trauma, abuse, and addiction; and have underlying needs that must be met in order for them to succeed after release. In part because of the difficulties of their job, correctional officers suffer from PTSD and die by suicide at rates much higher than law enforcement staff in other agencies and those in the military.⁸⁴ To match the expectations of this position, as reimaged, corrections officers will need not only adequate compensation that reflects the technical skills required of the job, but also community respect for doing difficult and important work. That is why the Biden-Harris Administration is:

- **Identifying training opportunities to promote transformational change.** DOJ has granted a fellowship to an experienced researcher who will develop actionable recommendations for transforming correctional environments, physical spaces, and staff culture, with a focus on adapting to the challenges associated with COVID-19. The fellow will work to identify gaps and opportunities within training resources offered by OJP to support correctional leaders in creating positive climates for those who live and work within their facilities.



- **Funding research on rehabilitative correctional models.** OJP is investing in a study that examines a new vision for correctional facilities that reorients every aspect of incarceration around rehabilitation. Researchers at the University of Chicago are evaluating such a model at the Kewanee Life Skills Reentry Center (LSRC), an Illinois facility that prioritizes humane treatment of residents and intensive investments in educational programming and physical and mental healthcare. The study will assess the impact of correctional models that prioritize rehabilitation, offering insights to policymakers nationwide seeking to strengthen outcomes for individuals returning from incarceration.
- **Providing trauma-informed training to justice system professionals working with youth.** Fully equipping justice professionals with insight about the prevalence and impact of ACEs will facilitate more trauma-informed, effective, and safe interactions between justice system professionals and people who have experienced ACEs. CDC's VetoViolence training portal exists to empower individuals and communities to prevent violence and implement evidence-based prevention strategies in their community. This work is already underway. CDC will explore opportunities that could enable juvenile justice and criminal justice professionals to learn how to reduce experiences that perpetuate ACEs and their negative impact and increase positive experiences for the individuals they serve.
- **Evaluating trauma-informed care for justice-involved and at-risk children and families.** Trauma-informed care (TIC) in justice settings offers a promising strategy for reducing the likelihood of future victimization and offending behavior, but best practices and core components for rigorous implementation are not yet established. We do know, however, that treatments for children exposed to ACEs can mitigate the negative consequences among those who have already experienced them and can help reduce mental and behavioral health problems. CDC will explore opportunities for rigorous implementation evaluation of treatment approaches for justice-involved populations (or those at-risk of justice involvement) that have not yet undergone rigorous evaluations to learn if these approaches are being implemented as intended, if they are achieving the desired outcomes, and what types of modifications should be made to program delivery to maximize the benefits of treatment.

Reduce barriers for eligible voters

Most people held in jails are eligible to vote, since jails are largely comprised of people awaiting trial—and thus have not been convicted of crime—or those serving misdemeanor sentences that do not preclude voting. Yet, few of those eligible people are able to exercise their right to cast a ballot while in jail. Common barriers to the ballot box for incarcerated individuals eligible to vote include: misinformation about eligibility, lack of access to necessary paperwork and other materials and delays in jail mail systems, among other barriers. To help address these issues, DOJ will collaborate with its training and technical assistance providers to develop and disseminate resources that combat misinformation on voter eligibility, explain state-specific voter rights for incarcerated persons, and promote strategies for improving access for those eligible to vote. Additionally, in May 2022, DOJ released a guide outlining how state voting rules apply after criminal convictions.



Goal 3: Facilitating Successful Reentry

More than 70 million Americans have a criminal history record.⁸⁵ Even after release from jail or prison, individuals may still face a broad range of civil penalties, known as collateral consequences, that can last a lifetime. These collateral consequences touch on virtually every aspect of a person's life, including the ability to secure housing and employment, pursue education, participate in civic life, maintain family bonds, or even remain in the United States. Individuals with criminal history records may be ineligible for certain public assistance programs, and almost one-third of those released from custody expect to live in homeless shelters.⁸⁶ Some collateral consequences are imposed by law, but others—such as the refusal of some to hire or house those with criminal history records—are the consequence of private choices. Most women who have prior justice system involvement are parents in their prime work years (25-54) at the time of their release, and the collateral consequences they face affect their children as well.⁸⁷

Successful reentry into society requires advance planning, continuity of support, and individualized, multi-faceted, and extensive services. Successful reentry depends on the ability of people to secure food, housing, employment, education, healthcare, and more. Therefore, a comprehensive strategy for addressing the systemic impediments individuals face upon reentry requires a whole-of-government and a whole-of-society approach. We can enhance stability and successful reentry outcomes by investing in holistic wrap-around services, including education, skill-building, reentry planning, skills-based job attainment, employment, housing, health care, transportation, and subsistence benefits. Doing so requires strong relationships and coordination among correctional agencies and facilities, community-based organizations that provide reentry services and/or workforce training, intermediary organizations that manage a network of reentry organizations, and employers to support the success of returning community members, as well as coordination among the local, state, territorial, tribal, and federal agencies that fund or oversee such efforts.

President Biden's Safer America Plan

Advancing successful reentry outcomes makes our communities safer, disrupts cycles of economic hardship, and strengthens our economy. Improving reentry is a key part of President Biden's Safer America Plan, which calls on Congress to lift almost all restrictions on eligibility and access to vital federal benefits and programs that people need to get back on their feet and thrive when they return home from jail or prison. It also calls on Congress to invest in the \$15 billion AJSR grant program to incentivize states, cities, Tribes, and territories to provide the comprehensive, evidence-based services necessary for people to thrive and succeed during reentry, such as mental health and substance use disorder treatment, GED programs, training and employment programs, and other supports.



From Principle to Practice

The concrete policy actions below are a part of a whole-of-government effort to advance employment, bolster reentry, empower formerly incarcerated persons, and strengthen our communities and our economy. For details regarding how DOJ is facilitating successful reentry in the federal system, please access their report [here](#).

Secure access to affordable and safe housing

Formerly incarcerated people experience homelessness at a rate nearly 10 times higher than the general public, due to systemic barriers to obtaining safe and affordable housing.⁸⁸ Those who have been incarcerated more than once are thirteen times more likely to experience homelessness.⁸⁹ Moreover, research shows that the lack of stable housing following incarceration leads to a higher likelihood of rearrest and reincarceration.⁹⁰ A growing body of evidence shows that the provision of housing assistance, particularly when accompanied with supportive services, can help reduce recidivism and decrease involvement in the criminal justice system.⁹¹ The Biden-Harris Administration is committed to expanding access to housing for people with criminal history records. The Administration is:

- **Reducing barriers to HUD programs for people with criminal history records.** HUD remains committed to ensuring the public safety of HUD-assisted housing, while recognizing that having a criminal history record alone does not indicate that a person should be denied admission to HUD-assisted housing. Rather, a holistic individualized assessment should be used to make applicant screening and housing decisions. In 2022, HUD Secretary Marcia L. Fudge charged the Department to conduct review of all its regulations and guidance to identify ways to reduce barriers to HUD programs for people with criminal history records. This review identified opportunities for HUD to update its regulations and guidance to ensure that applicants with criminal history records are fairly screened at admission, using holistic individualized assessments, and to avoid unnecessary denials. In the coming months, HUD will take steps to implement these changes.
- **Improving testing for discriminatory criminal background screening policies.** During Fair Housing testing investigations, people apply for housing to determine if they are treated differently based on their protected class status. HUD will publish a proposed rule that would allow Fair Housing Initiatives Program (FHIP) grantees to employ people to serve as testers who have criminal history records that should not disqualify them as tenants. This step will not only increase fairness in employment, but also allow FHIP grantees to investigate potentially discriminatory criminal background screening policies.
- **Developing and sustaining vibrant urban communities by leveraging Community Development Block Grants.** With the vast majority of people returning from prison or jail opting to reside in metropolitan areas, city governments are often on the front lines of providing support to formerly incarcerated people. HUD's Community Development Block Grant (CDBG) Program is intended to promote the development and/or sustainability of vibrant urban communities. Communities can use up to 15% of their grants for public service activities, including programs that provide housing, counseling, employment services, health care, behavioral health, and legal services to support



returning citizens. Many CDBG grantees are already using funds for purposes including: (a) pre-release planning activities to support returning citizens with housing, employment and needed health care/behavioral health services; (b) legal services that work to expunge or seal records that might otherwise serve as a barrier to accessing needed support services; (c) workforce development training and coaching, with transitional employment supports; or (d) family reunification support services that include the coordination of restructured child support payments. HUD plans to conduct a more detailed analysis of reentry activities and identify grantees conducting innovative reentry work who are willing to participate in an additional peer-to-peer learning community. This additional learning community will address a range of topics, such as program models, community supports for program development, partnership with community corrections and policing organization, and leveraging CDBG allocations with/without other braided funding. HUD will engage technical assistance providers with expertise in community reintegration and reentry program and program experts, including those with lived experience, to help CDBG grantees with ongoing program development. HUD will share these lessons with all CDBG grantees to encourage their use of CDBG funds to support reentry programs, including assistance with the expungement and sealing of criminal history records consistent with state and local laws and policies.

Advance formerly incarcerated individuals' educational opportunities

Researchers have found that “[e]nsuring continuity of education for students leaving juvenile detention facilities is critical for minimizing potential gaps in their educational growth.”⁹² Building connections between juvenile facilities and the schools in the community to which young people return will help avoid and address learning loss and make sure young people receive appropriate services.⁹³ A quarter of formerly incarcerated people do not have a high school diploma or GED, and only four percent have completed college.⁹⁴ Yet, in today’s economy, a college education offers a significant advantage in earning a good income. The median weekly earnings of workers with a bachelor’s degree is more than \$500 greater than those with only a high school diploma and more than double those without a high school diploma.⁹⁵ But studies indicate that between 60 to 80% of private colleges and universities and 55% of public colleges and universities ask applicants about their criminal history.⁹⁶ Asking about conviction history discourages would-be applicants from completing applications to go to college.⁹⁷ There is growing momentum to support justice-involved students on college campuses by removing the criminal history questions from college applications.⁹⁸ As of 2022, the Second Chance Pell Grant program allowed students to earn over 9,000 credentials.⁹⁹ The Biden-Harris Administration is committed to increasing formal pathways for post-incarceration educational advancements, including through the Pell Grant program, and is taking other actions including:

- **Assisting colleges and universities in mitigating barriers to education for justice-involved persons.** ED plans to issue recommendations to assist colleges and universities in mitigating barriers that prevent currently and formerly incarcerated individuals from accessing high-quality, affordable postsecondary education. This document will build upon ED’s 2016 Beyond the Box report, incorporating what has been learned since that time and updating content to reflect the reinstatement of Pell Grant eligibility for incarcerated individuals, beginning on July 1, 2023. This will help students accessing Pell Grants while incarcerated continue or further their education after release, allowing them



to better reintegrate back into society. ED plans to incorporate this document into its Pell Reinstatement technical assistance.

Improve formerly incarcerated individuals' access to health care

Formerly incarcerated people face higher mortality rates,¹⁰⁰ and poor access to health care after release is also associated with increased recidivism.¹⁰¹ Better health and access to health care during reentry can improve employment, housing, and family support outcomes.¹⁰² The Biden-Harris Administration is:

- **Authorizing and supporting Medicaid section 1115 demonstrations for select services provided to certain incarcerated persons in the period shortly before expected release.** Historically, incarcerated individuals who are held involuntarily may be enrolled in Medicaid but federal matching funds are not available for otherwise covered Medicaid services furnished to them, with the exception of services provided to incarcerated beneficiaries while they are inpatients in a medical institution.¹⁰³ All carceral authorities are constitutionally obligated to provide needed health care for inmates in their custody. Therefore, states and local governments are responsible for the financing of health care delivered to incarcerated people, and as a result, services provided to these individuals vary significantly depending on the level of state and local resources available and differing state and local policies. Justice-involved people are more likely to experience chronic health conditions and infectious diseases.¹⁰⁴ Further, formerly incarcerated individuals use hospitals services at higher rates, and they are far more likely to die by suicide, overdose, heart disease, cancer, and homicide following release from jail or prison.¹⁰⁵ Improving access to health care and other services as individuals transition out of jails and prisons can help promote better health outcomes.¹⁰⁶ The SUPPORT Act of 2018 took a step toward addressing these barriers by requiring HHS's CMS to provide opportunities for states to design section 1115 demonstration projects to improve care transitions for certain individuals nearing release from incarceration.¹⁰⁷
 - On April 17, CMS [announced](#) it issued guidance for a new section 1115 demonstration opportunity to allow Medicaid coverage for select short term services provided to certain incarcerated individuals in the period shortly before expected release from jail or prison to improve care transitions. CMS will continue to: educate states about this section 1115 reentry demonstration opportunity; work with the 14 states that have already requested Medicaid section 1115 authority to cover services for incarcerated Medicaid beneficiaries prior to release from jail or prison (California has already been approved); and encourage collaboration between Medicaid agencies and other stakeholders to implement these demonstrations and encourage additional states to take up this opportunity.
 - To maximize awareness and impact of this opportunity, DOJ will work with federal partners and stakeholders in the field to increase uptake and successful implementation of Medicaid section 1115 demonstration authority and other related opportunities to improve health coverage and continuity of care for justice-involved individuals pre- and post-release. DOJ will seek to support training and technical assistance at the state and local level to implement official guidance, and to be responsive to CMS guidance on design and implementation of



section 1115 demonstrations and Medicaid state plan options that will benefit continuity of care and transitions for individuals nearing release.

- **Improving awareness of the newly-established Medicare Special Enrollment Period for formerly incarcerated persons.** While an individual is incarcerated, Medicare payment for covered services is generally prohibited even if an individual becomes eligible for Medicare during this time. Until recently, there were no special enrollment opportunities for formerly incarcerated individuals who missed a Medicare enrollment period while incarcerated. Because of this, many formerly incarcerated individuals could go months after their release without full health coverage. Delaying enrollment also meant that individuals could incur a late enrollment penalty that would be added to their monthly premium for the rest of their lives. In November 2022, CMS issued a final rule establishing a special enrollment period (SEP) for formerly incarcerated individuals. This SEP allows individuals to enroll in Medicare up to 12 months following their release from a correctional facility, helping formerly incarcerated individuals avoid potential gaps in coverage and late enrollment penalties. To help disseminate information about this new SEP, CMS has conducted outreach with many organizations that work with formerly incarcerated beneficiaries, including those that serve people with disabilities.

Enhance formerly incarcerated persons' access to federal nutrition and subsistence benefits

USDA defines very low food insecurity as “multiple indications of disrupted eating patterns and reduced food intake.”¹⁰⁸ According to one study, 91% of people released from prison reported experiencing food insecurity.¹⁰⁹ According to a 2017 Harvard study, access to Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF) benefits reduces the risk of reincarceration within one year by 10%.¹¹⁰ Access to Federal nutrition assistance provides stability to people with criminal history records and the more than 30 million children living with one or more parents who have a criminal history record.¹¹¹ Federal law permanently bans people with prior drug felonies from becoming eligible for SNAP and TANF. States can modify or waive the ban, but restrictions remain across the country. As called for in the National Strategy on Hunger, Nutrition, and Health, and in President Biden’s Safer America Plan, the Biden-Harris Administration calls on Congress to repeal the federal ban, nullifying state laws and regulations restricting eligibility based on conviction history, and to allow people to begin applying for benefits during the last 30 days of their incarceration. This would help Americans returning home make ends meet for their families and increase public safety, as evidence shows that access to SNAP and TANF benefits reduces the risk of reincarceration. In addition, the Biden-Harris Administration is:

- **Helping states expedite applications for and processing of SNAP benefits for people preparing to return home from jail or prison.** To help expedite the SNAP application process for re-entering individuals, and enable re-entering individuals to receive benefits faster, USDA makes available an administrative waiver to SNAP state agencies that allows for the acceptance and processing of SNAP applications prior to release. USDA Food and Nutrition Service (FNS) will issue guidance promoting program flexibilities, including this administrative waiver, for SNAP state agencies. Eleven states currently operate this waiver, and no additional funding is needed for more states to take advantage of this opportunity. FNS will also provide technical assistance to states interested in this waiver. But without congressional action, FNS cannot convert this waiver into a



permanent state option. That is why, as called for in President Biden's National Strategy on Hunger, Nutrition, and Health, and his Safer America Plan, the Biden-Harris Administration calls on Congress to allow people to begin applying for benefits during the last 30 days of their incarceration.

- **Clarifying eligibility for SNAP benefits for people with criminal history records.** Some justice-involved people eligible for SNAP may hesitate to apply for assistance due to misconceptions and misunderstandings about eligibility criteria. Certain restrictions for individuals convicted of particular felonies, as well as requirements to attest to complying with terms of a sentence, can have a chilling effect on the willingness of individuals with criminal history records to apply. Furthermore, state options to adjust eligibility criteria for individuals convicted of drug-related felonies can cause confusion, as eligibility may change depending on the State in which an individual applies. FNS will update and reissue a series of myth-busters on its website for SNAP state agencies and advocate partners, including food bank networks and reentry support groups, to clarify SNAP eligibility for individuals going through reentry with criminal history records. Sharing out these reminders for SNAP eligibility criteria in clear, plain language will help to educate those doing outreach and providing application assistance. It will also help those who are in need of nutrition support but who fear prior conviction may make them ineligible. But without additional congressional action, FNS cannot alter eligibility criteria. As called for in President Biden's National Strategy on Hunger, Nutrition, and Health, and his Safer America Plan, the Biden-Harris Administration calls on Congress to repeal the federal ban on people with prior drug felonies and nullify state laws and regulations restricting eligibility based on conviction history. This would help Americans returning home make ends meet for their families and increase public safety, as evidence shows that access to SNAP and TANF benefits reduces the risk of reincarceration.
- **Highlighting promising practices to state SNAP agencies.** While federal law sets national SNAP eligibility standards, state and local agencies operating the program are afforded certain options and flexibilities in how they administer SNAP. Throughout 2023, FNS will develop guidance and webinars to highlight promising practices from state and local SNAP agencies partnering with correctional facilities to connect formerly incarcerated individuals with nutrition services. These efforts will promote opportunities for program administrators to revisit current policies and practices for serving re-entering individuals and discover opportunities to improve program access.
- **Strengthening TANF as a safety net and work program for justice-involved persons and their families.** TANF is intended to serve as a critical support to families with very low or no income, providing monthly cash assistance, employment and training assistance, and other supportive services to ensure families can meet basic needs, establish economic security, and remain together. To strengthen individual and collective public health and public safety outcomes,¹¹² HHS's Administration for Children and Families (ACF) will take action to improve TANF, such as helping states, the District of Columbia, territories, and Tribes refocus TANF funds on basic assistance, employment and training, and family strengthening services for persons and families experiencing the greatest economic needs, such as those returning home from jail or prison.



Support access to government-issued identification

States have varying laws on how and when formerly incarcerated persons can obtain identification: only 19 states have enacted legislation to provide people with identification upon release, with some states providing permanent identification immediately and others only temporarily.¹¹³ State-issued identification is frequently required to access social services, secure housing, and apply for employment—all factors that can play a crucial role in a person’s successful reintegration after incarceration. People leaving prisons and jails with state identification may be able to more quickly access vital services and support, and those without such identification will likely face significant barriers to successful reentry. The Biden-Harris Administration is:

- **Encouraging state licensing agencies to improve access to state identification cards for people who have been incarcerated in jails and prisons.** Access to identification is critical for reentry so that people may access jobs, housing, medical care, education, or other benefits. A driver’s license, specifically, can help people access a broader array of jobs, particularly jobs in transportation. DOT, with support from the Department of Homeland Security (DHS) and DOJ, will engage with the American Association of Motor Vehicle Administrators (AAMVA), which represents all state licensing agencies, to survey jurisdictions for a toolkit of best practices for providing state-issued identification for eligible persons with criminal history records.
- **Reducing barriers to government-issued identification.** BOP is consulting with DHS to develop a Release Folder that will be provided to formerly incarcerated persons upon their reentry into society. The folder will contain all official documents providing reliable information necessary to obtain a REAL ID compliant identification from the state licensing agency where the formerly incarcerated person intends to reside.
- **Leveraging DOC competitive grants**, such as those included in the recent BIL, IRA, and CHIPS to encourage recipients to employ workers from historically underserved communities, including formerly incarcerated people, and to partner with registered programs that facilitate the reentry of formerly incarcerated individuals, including by assisting with access to government-issued identification.
- **Evaluating the feasibility of providing VA identification to veterans prior to release from jail or prison.** Beginning in 2023, the VA will evaluate the feasibility and need for issuing veteran ID cards to incarcerated veterans prior to their release from state custody to facilitate access to both VA health care and, potentially, other community services for which a photo ID is required.

Support veterans returning home from jail or prison

Veterans represent approximately 8% of jail and prison populations,¹¹⁴ and many veterans have medical, mental health, and substance use disorder treatment needs, including ones linked to traumatic experiences that can result from military service.¹¹⁵ Further, 30% of veterans have a history of homelessness.¹¹⁶ To support veterans during reentry, the Biden-Harris Administration is:



- **Identifying and supporting veterans in federal and state jails and prisons with pre-release reentry planning.** VA seeks to ease reentry into society through outreach to incarcerated veterans to provide information and access to the benefits to which they may be entitled. VA will require quarterly VA benefits outreach in federal and state jails and prisons to augment VA's Homeless and Justice-Involved Veteran Outreach Program, ensuring incarcerated veterans are receiving information about the benefits and services they may be entitled to receive. During Second Chance Month in April 2022, VHA announced the expanded use of VA's Veterans Reentry Search Service (VRSS), a free web-based tool criminal justice partners and prison and jail staff can use to identify incarcerated veterans and connect them to needed services post-release. VA makes this service available to help prisons and jails engage with veterans in their custody, and to inform the development of veteran-specific programs in the criminal justice system. If incarcerated persons who are veterans are identified in the criminal justice system, VA can provide needed outreach and applicable services. From 2021 to 2022, VHA increased the number of criminal justice users from 401 to 425, including BOP and 33 state prison systems, and will work to increase that number by promoting the use of VRSS by more criminal justice agencies, particularly jails and courts, with the goal of having 450 VRSS users by the end of 2023.
- **Automating the restoration of benefits upon release and avoiding overpayment.** During Second Chance Month in 2022, in partnership with the Social Security Administration and the Bureau of Prisons, VA's Veterans Benefits Administration announced a new effort to automate information-sharing among these agencies to accelerate disability benefit restoration and reduce the administrative burden for veterans who are required to repay any overpayment of benefits.
- **Promote entrepreneurship for veterans.** The post-9/11 cohort of veterans are "younger and more likely to be members of a minority racial or ethnic group than previous cohorts of veterans . . . and they have seen more combat deployments and redeployments than any veteran cohort in our nation's history."¹¹⁷ One third of veterans report having been arrested and booked into jail at least once in their lives, compared to fewer than one fifth of non-veterans,¹¹⁸ making them a group of individuals at high risk for incarceration. A quarter of veterans are interested in starting a business, but many lack the network, resources or support to build their ideas into engines of income and employment, according to J.P. Morgan.¹¹⁹ Entrepreneurship has proven to help lower recidivism rates, including from 30% to 7.2% for a comprehensive program in California.¹²⁰ The Administration will continue to ensure veterans have access to the information and programs they need to start their own business.

Support successful reentry by expanding and streamlining funding for job training and supportive services for Tribal Nations

Since 1992, when Congress enacted the Tribal "PL477 Program," named for Public Law 102-477, Tribal governments have been able to consolidate important federal funding for job training, workforce development, and other economic development purposes into a single plan, with a single reporting requirement, administered by DOI. However, a 2018 memorandum of agreement (MOA) was signed by federal agencies without Tribal consultation and made it more difficult for Tribes to benefit from the program and consolidate their funding. That is why the Biden-Harris



Administration in October 2022 delivered on a [new MOA](#), after Tribal consultations, signed by 12 federal agencies—including DOI, DOL, ED, HHS, USDA, DOC, DOE, DHS, HUD, DOT, VA, and DOJ—that streamlines plan approval procedures and re-affirms the Secretary of the Interior’s authority in approving plans. This approach respects Tribal sovereignty and self-determination and eases the burden on Tribes. Tribal governments are using the Tribal PL477 Program to develop innovative approaches to provide job training and reentry services based on their unique Tribal goals. To support these efforts and uplift promising evidence-based approaches, in 2021, DOJ published a reentry planning toolkit for Tribal communities.¹²¹ For example, the Citizen Potawatomi Nation (CPN) has operated a reentry program called *Mno Bmadzejek*, with support from a DOJ grant, since 2011. This reentry program assists people convicted of non-felony offenses who are returning from incarceration with securing employment, skills acquisition, and professional attire and other personal items necessary to secure employment. All *Mno Bmadzejek* clients have access to legal assistance from an attorney with Legal Aid Services of Oklahoma, which helps clients with fine and fee waivers, driver's license reinstatements, and expungements, when appropriate. Similarly, in Oklahoma, the Muscogee (Creek) Nation Reintegration Program collaborates with county and federal prison facilities to identify Tribal members and develop a prerelease comprehensive reentry program so that those members receive the support they need to thrive upon their return home. The Sisseton-Wahpeton Oyate, on the Lake Traverse Reservation in northeast South Dakota, collaborates with the state parole agency so that the Tribe can assume parole supervision duties for members returning home from prison.

Expand employment opportunities for people with criminal history records to strengthen public safety and our economy

Since President Biden took office, our economy has added a record 7.9 million jobs and the unemployment rate has fallen to 3.6%, and there will be a need for skilled workers in the coming decade to meet demand spurred by our investments, particularly those stemming from BIL, CHIPS, and IRA. The Nation is in a prime position to offer opportunities for meaningful employment to the more than 600,000 people that leave prison every year—for whom securing stable employment is among the most significant challenges.¹²²

The more than 600,000 people who are released from incarceration each year face an uphill battle to find employment.¹²³ According to a 2018 study, formerly incarcerated people have a 27% unemployment rate, dramatically higher than the overall United States unemployment rate.¹²⁴ Only half of formerly incarcerated individuals have any earnings in the year following their release; of those, only 20% earn more than a full-time worker making the federal minimum wage would earn.¹²⁵ Approximately 87% of employers conduct background checks and most will not hire persons who have been incarcerated.¹²⁶ Other studies show that employers are less likely to call back or hire employees with criminal history records.¹²⁷ All in all, there is substantial evidence of labor force discrimination against formerly incarcerated individuals, both due to concerns about recidivism and gaps in work experience, and a general stigma above and beyond productivity-related factors.¹²⁸

Formerly incarcerated people who are employed recidivate at lower rates than those who do not obtain work.¹²⁹ A good job¹³⁰ is not only critical to successful reentry for formerly incarcerated individuals, but also to promoting public safety and improving economic well-being in American



communities.¹³¹ To help formerly incarcerated individuals find meaningful employment, the Biden-Harris Administration is:

Expand federal job opportunities for qualified formerly incarcerated individuals

In June 2021, President Biden signed an Executive Order directing the Federal Government to expand federal employment opportunities for formerly incarcerated individuals. Toward this end, the Biden-Harris Administration is:

- **Employing qualified people directly impacted by the criminal justice system in roles where they can inform criminal and juvenile justice system policies.** In 2015, the Obama-Biden Administration announced the first-ever Second Chance Fellow to serve in DOJ. Out of recognition that many people directly impacted by the criminal justice system hold significant and singular insight on how to improve it, the Administration launched this position to bring in an expert leader in the criminal justice field, who also was formerly incarcerated. In 2022, the Biden-Harris Administration reinvigorated and expanded the Second Chance Fellow program. In April 2022, DOJ welcomed two Second Chance Fellows whose professional expertise and lived experience in the justice system will help inform the Department's efforts to promote reentry success. Building upon this success, ED plans to launch its first-ever Second Chance fellowship in FY23 and then build out a full Second Chance Fellow program and other supportive efforts in FY24. These fellow(s) would work across program areas at ED on cross-cutting issues and programs involving education and the criminal and juvenile justice systems.
- **Enhancing federal agencies' recruiting, hiring, and retention of individuals with criminal history records.** The Office of Personnel Management (OPM) will work closely with other federal agencies to prioritize and assist them with their efforts to recruit, hire, and retain qualified individuals with criminal history records. Its newly launched Chief Diversity Officers Executive Council, along with the well-established Chief Human Capital Officers Council, provide an ideal mechanism to advance this work throughout the Federal Government. These Councils are comprised of the senior agency leaders with responsibility for recruitment, hiring, and equity, and will work with OPM to establish work plans, leadership groups, and metrics for enhancing and improving federal employment opportunities for individuals with criminal history records. This will allow OPM to establish a set of promising practices around these efforts, better understand barriers that agencies may have and solutions for addressing them, and explore formalized routes to provide paths for individuals with criminal history records into federal employment.
- **Implementing the Fair Chance Act.** In Q2 2023, OPM will issue final rules implementing the Fair Chance Act. These regulations are aimed at reducing barriers to federal employment for qualified people with criminal history records. The regulations seek to accomplish this goal by expanding the positions covered by the Federal Government's "ban the box" policy, which delays inquiries into an applicant's criminal history until a conditional offer has been made. The regulations will also establish new due process and accountability steps for hiring officials who have allegedly violated the "ban the box" procedures.



- **Promoting federal hiring opportunities for people with criminal history records.** In 2022, as part of its Second Chance Month initiative, OPM developed and published the [*Guide to Federal Employment for Second Chance Applicants*](#), which contains helpful information about the federal hiring process and how the rules apply to qualified individuals with criminal history records. OPM will continue to partner with the Department of Labor (DOL) and other federal agencies to provide this information to people with criminal history records and to ensure that OPM content, resources, and programming are accessible and responsive to the needs of individuals with criminal history records. OPM will also work directly with nonprofit service organizations to promote federal employment opportunities. Providing this information directly to individuals with criminal history records—and doing so in a way that is accessible—can reduce barriers to reentry by giving individuals with criminal history records the tools and information they need to access federal employment.
- **Securing better data regarding federal employment of people with criminal history records and evaluate the need for a separate hiring authority for individuals with criminal history records.** OPM lacks robust data analysis regarding federal employment of individuals with criminal history records, making it difficult to assess the impact of OPM’s 2016 “ban the box” regulations and other Federal Government efforts. OPM will therefore improve its data analysis regarding federal employment of individuals with criminal history records in order to better understand the following: barriers to recruitment and hiring of individuals with criminal history records; the experiences of individuals with criminal history records who are employed in the Federal Government; and actions that would have the most impact on enhancing federal employment opportunities for individuals with criminal history records, including whether there is justification for a separate hiring authority specifically for individuals with criminal history records.
- **Expanding access to careers on fire, reforestation, and urban forestry crews for qualified individuals with criminal history records.** The U.S. Forest Service’s Fire and Aviation Management and National Resources and Environment mission area will explore opportunities to establish or expand partnerships with, respectively, the Forestry and Fire Recruitment Program (FFRP), a nonprofit organization that provides career support to formerly incarcerated firefighters and others who are interested in careers in the forestry and grassland sectors, and the Corps Network to facilitate access to direct experience on designated fire and conservation crews.

Leverage President Biden’s historic investments in infrastructure, technology, and climate to promote hiring of qualified people with criminal history records by federal contractors and subcontractors

The Biden-Harris Administration’s once-in-a-generation investments through the ARP, BIL, IRA, and CHIPS will invest trillions in strengthening our economy, public safety, public health, and national security.¹³² The Biden-Harris Administration will ensure that talented people with criminal history records have a full and fair opportunity to fill the jobs created by these investments, including by:



- **Encouraging recipients of U.S. Department of Energy (DOE) competitive grants to hire individuals with criminal history records.** DOE is encouraging applicants to its competitive DOE grants – such as those funded by BIL, IRA, and CHIPS Act – to employ workers from historically underserved communities, including formerly incarcerated people, as well as to partner with workforce organizations supporting formerly incarcerated people. As part of their project proposals, applicants must submit to DOE a plan for how they will ensure that the project benefits the community. Illustrative examples of measures an applicant may take to bolster their project applications could include: partnering with Registered Apprenticeship programs that facilitate the reentry of formerly incarcerated individuals, sealing and expunging of criminal history records consistent with local law, restoring the right to vote for eligible people, and assisting with access to government-issued identification as specific diversity, equity, inclusion, and accessibility measures.
- **Leveraging infrastructure investments to expand job access for people with convictions.** BIL established the new Reconnecting Communities Pilot (RCP) discretionary grant program, funded with \$1 billion over the next five years. It is the first-ever federal program dedicated to reconnecting communities that were previously cut off from economic opportunities by transportation infrastructure. As part of that program, DOT developed language and included selection criteria that aims to expand access to jobs for qualified people with criminal history records, where authorized and appropriate.
- **Connecting communities while creating quality job opportunities.** DOC's Broadband Equity, Access, and Deployment (BEAD) Program, through NTIA, provides over \$42 billion to expand high-speed internet access in all 50 states, Washington, D.C., Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. This once-in-a-generation investment, authorized by BIL, will ensure that everyone in America has access to affordable high-speed internet that will allow them to attend class, start a small business, visit with their doctor, and compete in the modern economy for in-demand quality jobs. In addition to closing the digital divide, as part of each jurisdiction's final award allocations and required five-year plan, the BEAD program is also encouraging and prioritizing the hiring into the telecommunications workforce of qualified workers from historically underrepresented groups, such as incarcerated and justice-involved persons, low-income households, and persons otherwise adversely affected by persistent poverty or inequality, through partnerships with community colleges, supportive service providers, Registered Apprenticeship programs, and other quality workforce training programs.
- **Creating quality jobs in construction for people with criminal history records.** While more than \$200 billion in BIL funds have already been announced, the pace of infrastructure spending will increase rapidly in FY24, due to the anticipated schedule of the rollout of BIL grants. These construction projects have the greatest potential to make a positive economic difference in communities and for the workers who will be trained and hired for quality jobs in the trades. For BIL-funded construction projects of \$35 million or more that are expected to last for at least a year, DOL's Office of Federal Contract Compliance Program's Mega Construction Project (Megaproject) Program will help contractors and subcontractors comply with federal laws so they can remove



unnecessary barriers and can recruit, hire, and retain talented workers from underrepresented backgrounds, including people with criminal history records, to work in these quality jobs in the construction trades.

Encourage the private sector to hire qualified formerly incarcerated individuals

Just 12.5% of employers are willing to consider job applications from people who have been convicted of a crime. Over 90% of corporations use background checks in hiring decisions, which makes jobs even less accessible for the one-third of U.S adults who have a criminal history record.¹³³ Employers should ensure that their recruiting, hiring, onboarding, and retention policies do not exclude people with criminal history records.¹³⁴ Such actions include expanding access to union and trade association memberships for high-quality employment in high demand industries.¹³⁵ The Biden-Harris Administration is:

- **Mobilizing the private sector to employ formerly incarcerated persons.** DOC will partner with DOL, the Second Chance Business Coalition, and other external stakeholders later this year to: (1) highlight how shared strategies for hiring and retaining justice-impacted individuals into quality jobs benefits top large companies and strengthens our economy and (2) identify ways to encourage additional strategic top employers to join the Coalition's work to address challenges that impact a traditionally under-employed and marginalized segment of our society.
- **Promoting small business hiring of people with criminal history records.** The Small Business Administration (SBA) will host learning opportunities in partnership with small business owners who have successfully launched hiring initiatives for people with arrest or conviction records. SBA will continue to encourage small businesses to hire formerly incarcerated individuals and will explore additional strategies to facilitate the hiring of justice-involved individuals.
- **Highlighting promising practices to state SNAP agencies.** While federal law sets national SNAP eligibility standards, state and local agencies operating the program are afforded certain options and flexibilities in how they administer SNAP. Throughout 2023, USDA will develop guidance and webinars to highlight promising practices from State and local SNAP agencies and remind states that they can provide justice-involved persons with employment and training services or partner with organizations to provide those services.

Invest federal funding for state and local workforce development programs serving people returning home from jail and prison

To support and expand innovative and effective state and local programs that provide in-demand job training and reentry services, the Biden-Harris Administration is:

- **Leveraging DOL grant programs to develop the workforce and improve reentry outcomes.** DOL's Employment and Training Administration (ETA) will continue to develop strategies and partnerships at the state and local levels that improve the workforce, rehabilitation, and reentry outcomes for returning citizens by expanding the use of evidence-based practices, testing the effectiveness of promising models and practices, and testing approaches found in community and faith-based environments for



their adaptability in the public workforce system. Pathways Home grants provide employment, training, supportive, and legal services to adults returning to the workforce from incarceration in state correctional facilities or local jails. ETA has awarded three rounds of Pathways Home grants and published a funding opportunity announcement for a fourth round in March 2023, for awards by June 30, 2023. Growth Opportunities grants prepare justice-involved youth and young adults for the world of work through education and training, paid work experiences, mentorship, and leadership development. A particular new feature of these grants is a focus on contributing to community violence intervention among youth and young adults. ETA awarded \$40 million in June 2022, another \$33 million in January 2023, and will award the final \$12 million in spring 2023.

- **Building the evidence-base for workforce and recidivism impact.** DOL’s ETA awarded grants between 2017-2019 that included a range of projects testing evidence-based approaches to improve workforce development and reentry outcomes for youth and adults. DOL’s Chief Evaluation Office is assessing these grants, and DOL plans to publicly release several issue briefs that will explore aspects of these programs to identify best practices to inform DOL’s programming and the field more broadly.
- **Meeting the unique workforce and reentry needs of justice-involved women.** DOL’s Women’s Bureau will leverage existing capacity to advance job opportunities for justice-involved women. Specifically, Women’s Bureau will deploy its strong and growing relationships with community-based organizations, longstanding partnerships with Historically Black Colleges and Universities (HBCUs) and Minority Serving Institutions (MSIs), and experience of delivering tailored technical assistance to Job Corps and YouthBuild to improve their recruitment and retention among qualified young women, focusing on the Southeast region. In addition, Women’s Bureau is planning to host three Hack-a-thons on issues facing justice-involved women, addressing topics such as decriminalizing pregnant women and eliminating barriers to employment for justice-involved mothers, in partnership with local and national criminal justice organizations.
- **Evaluating other DOL grant opportunities.** DOL’s Office of Grants Management will work with DOL grantmaking components to, where allowable under existing authority, incorporate reference to “people with criminal histories” as a targeted population when seeking to expand opportunities to qualified workers from underserved communities. DOL will conduct a baseline assessment of the number of grants in FY22 that named justice-involved individuals as a targeted underserved population, and will provide an updated metric for FY23.
- **Leveraging DOC’s grants to expand skilled workforce career opportunities and transform communities.** DOC’s ARP-funded \$500 million Good Jobs Challenge is making once-in-a-generation investments in workforce development as a key to accelerating local economic growth and rebuilding regional economies so they are more resilient to future challenges, while providing good job opportunities for American workers to achieve economic mobility and security. With a focus on equity, the program is expanding career opportunities for more Americans to reach their full potential and secure good-paying jobs while producing a skilled workforce to ensure the United States is prepared to innovate, compete, and succeed in a 21st century global economy. The program’s focus on hiring qualified workers from underserved communities includes



formerly incarcerated persons. Based on grantee-reported data, approximately one-third of awardees will include recruitment and training efforts focused on formerly incarcerated and justice-involved individuals. Most notably, Persevere (\$15.4 million, Tennessee) will scale its model for training justice-involved Americans for technology roles through intensive skills training and work-based learning. The project estimates over 1,200 job placements with Tennessee technology employers. DOC's Economic Development Administration (EDA) has also awarded a technical assistance grant to Jobs for the Future (JFF) to support all Good Jobs Challenge awardees through a community of practice. JFF and one of its sub-award partners, the University of Michigan, have strong expertise and focus on equity and their close involvement with the grantees will allow EDA to gain greater insight into project impacts. EDA will explore opportunities to support its Good Jobs Challenge.

- **Providing career opportunities to advance environmental justice and reduce recidivism.** HHS's National Institute of Environmental Health Sciences (NIEHS) Worker Training Program funds the Environmental Careers Worker Training Program (ECWTP), which provides opportunities for individuals, including those from disadvantaged and underserved communities, such as formerly incarcerated persons, to obtain opportunities in environmental and construction careers. For over 25 years, ECWTP has continued to advance environmental justice and recruit, train, and provide opportunities for formerly incarcerated persons to reenter the workforce. An economic evaluation of ECWTP benefits from 1995 to 2013 found participants had increased earnings, employment, and other benefits while also reducing rates of recidivism and other criminal justice system interactions, with estimated cost savings of over \$22 million. The ECWTP is proud to be selected as a participant in the Administration's Justice40 Initiative. NIEHS will announce funding to increase training and expand the number of training locations for current grantees in June 2023.

Expand formerly incarcerated individuals' access to business development and capital

Expanding access to business capital requires reducing barriers for people with criminal justice system involvement. The Biden-Harris Administration is:

- **Expanding eligibility for SBA loan and loan guarantee programs and supporting entrepreneurial success through training.** In February 2021, SBA expanded eligibility for the Paycheck Protection Program by removing restrictions for entrepreneurs with certain prior criminal convictions or other involvement in the justice system. In 2022, SBA eliminated criminal history record restrictions to access its Community Advantage loans, a critical program that provides financing to low-income borrowers and those from underserved communities, and its Veteran-Owned Business Certification Program. Building on this momentum, in 2023, SBA will publish a notice of proposed rulemaking in order to receive comments from the public and the lending industry regarding a proposal to amend the rule regarding the ineligibility of an SBA loan applicant where an associate has a criminal history record. SBA envisions that the changes to the proposed rule will increase access to capital for justice impacted individuals. The proposed rule will apply to the 7(a), 504, Microloan, and Disaster loan and Surety Bond programs as well as the surety bond program. Additionally, to support entrepreneurial success, in



2023, SBA will promote programs across the country that will provide training to people with arrest or conviction records on how to pursue and succeed in entrepreneurship.

- **Amplifying successful state approaches that expand access to credit and capital for justice-involved persons who are small business owners.** The Department of the Treasury will highlight examples of jurisdictions taking steps to expand access to capital for justice-involved individuals through the State Small Business Credit Initiative (SSBCI) in a fact sheet that will be released in May. In 2023, Treasury will convene states to share best practices on the inclusion of underserved entrepreneurs, including those who have been involved in the criminal justice system. Additionally, Treasury will engage with regulators on best practices for expanding access to credit for justice-involved small business owner.
- **Continuing to support the Minority Business Development Agency's entrepreneurship pilot for justice-involved persons.** In 2020, DOC's Minority Business Development Agency (MBDA) launched a pilot program focused on providing entrepreneurship training and business development for people with criminal history records. Based on early results from the pilot, MBDA has found that, in addition to technical education on developing an idea into a business, it is important to address psychological barriers to entrepreneurship and provide the wrap-around services needed to stabilize recently released individuals so they can focus on their business idea. MBDA will continue to ensure individuals with criminal history records have access to entrepreneurship training and business development services.

Improve formerly incarcerated individuals' access to occupational licenses and credentials

Some occupations and industries explicitly bar hiring of people with criminal history records. In fact, there are 27,000 state occupational licensing restrictions based on criminal history records.¹³⁶ As a result of these restrictions, individuals reentering society after incarceration may be barred, often for life, from participating in roughly 25% of the job opportunities in the economy, even if they gained relevant training and experience in the particular occupation while incarcerated.¹³⁷ This hinders employers' ability to hire people who are ready and eager to work, exacerbates labor recruiting challenges in many industries, and impedes successful reentry. In order to reduce unnecessary barriers to incarcerated individuals' access to occupational licenses and credentials, the Biden-Harris Administration is:

- **Supporting industries that drive our economy by providing them with talented workers who are ready to work and studying how to increase this impact.** DOL created the Federal Bonding Program (FBP) in 1966 to provide employers with \$25,000 worth of no-cost \$0 deductible coverage against loss for six months if they hire certain job seekers, including people returning home from jail or prison. Across the country, thousands of employers in the hospitality, retail, construction, transportation, auto repair, manufacturing, health care, non-profits, banking, and tourism industries—many of which require occupational licenses and credentials—have integrated the FBP into their hiring practices. Since its inception, the FBP has resulted in over 56,500 job placements for harder-to-place job seekers who the Program automatically made bondable. Last year, the FBP bonded over 1,068 job seekers. Beginning in Q1 2023, DOL will study how employers use hiring incentives, like the FBP, and solicit feedback from reentry



organizations, employers, and employees who benefited by surety bonds. Collecting data such as employer size and type (for-profit, nonprofit and public sector), industry, wages, and hours worked, along with stakeholder feedback and recommendations, will help DOL evaluate the success of current efforts to reduce barriers and may also inform future contemplated actions by DOL to enhance and support grantees, which will strengthen our workforce, economy, and public safety.

- **Strengthening promising practices and partnerships among unions and trade associations and reentry and workforce development organizations.** The historic investments of billions in the clean energy economy, authorized by President Biden’s BIL, IRA, and CHIPS Act, will create good-paying union and trade jobs that establish or expand high-quality training, such as Registered Apprenticeships, that help workers secure the licenses and credentials they need to succeed. The vast number of clean energy jobs created by the historic federal investment of billions of dollars in the clean energy economy provide an opportunity for employers to meet their labor needs by hiring from the untapped talent pool of people returning home from jail and prison, thereby advancing public safety, economic stability, and climate justice. To support these efforts, DOE and DOL will convene a roundtable later this year to highlight how implementation of BIL, IRA, and CHIPS can advance promising practices, such as Registered Apprenticeships. The roundtable will also highlight how partnerships among unions; trade associations; workforce development programs; violence prevention and intervention organizations; and reentry organizations can advance strategies for hiring qualified formerly incarcerated persons into quality jobs.
- **Ensuring eligible persons are able to obtain credentials to work in ports and other transportation hubs.** As of March 2023, there are nearly 11 million open jobs in America. Yet our Nation has fewer workers for critical port, warehouse, and transportation jobs than it needs. Workers who need access to secure areas of the nation’s maritime facilities and vessels, such as ports, port facilities and warehouses, outer continental shelf facilities, certain manufacturing facilities, and certain vessels must have a Transportation Worker Identification Credential (TWIC), as required by the Maritime Transportation Security Act. But people with criminal history records may be unsure of their eligibility for the TWIC or may be unaware that they can seek redress if they believe their application for a TWIC was initially denied based upon incorrect information. DHS will develop and electronically publish general information on the TWIC, including guidance on TWIC eligibility, how to apply for a TWIC, and opportunities to seek redress if a TWIC is initially denied.

Improve formerly incarcerated individuals’ access to banking and financial services

Without a bank account, a person returning home from jail or prison may be unable to be paid electronically by their employer, receive certain government benefits, rent an apartment, pay their bills and outstanding debt, and build credit history. But, in its 2022 report on “Justice-Involved Individuals and the Consumer Financial Marketplace,” the Consumer Financial Protection Bureau (CFPB) found that people with criminal history records “have limited ability to access affordable banking products upon reentry due to requirements of opening accounts—such as providing photo identification and proof of address and satisfying any credit or background checks completed by the bank.” The CFPB noted that while “more banks are



offering free ‘second chance’ checking accounts” that are “intended to help people rebuild their banking histories,” those “may come with more fees and requirements.” According to research conducted by the Pennsylvania Department of Corrections, 73% of reentrants who had not recidivated in three or more years after release had an account with a bank or credit union compared to only 39% of reentrants who had recidivated during that three-year period. The Biden-Harris Administration and the U.S. Department of the Treasury are committed to ensuring that all Americans, including justice-involved persons, are treated equally and can fully participate in the labor force, financial system, and economy overall. That is why Treasury is taking the following steps to ensure that justice-involved persons have equitable access to banking and financial products:

- **Leveraging funding to state and local organizations and governments to provide services to people who are unbanked or underbanked.** According to a 2021 Federal Deposit Insurance Corporation (FDIC) report, an estimated 5.9 million U.S. households were “unbanked” in 2021, meaning that no one in the household had a checking or savings account at a bank or credit union. An estimated 18.7 million U.S. households were “underbanked” in 2021, meaning that the household was banked but in the past 12 months used at least one of the following nonbank transaction or credit products or services, such as money orders, check cashing, or international remittances; or rent-to-own services or payday, pawn shop, tax refund anticipation, or auto title loans.¹³⁸ Treasury administers funding through several different programs to state and local organizations and governments that can be used to provide and expand services to unbanked and underbanked people, including:
 - As part of **ARP’s State and Local Fiscal Recovery Funds (SLFRF) program**, Treasury administers \$350 billion to state, local, and Tribal governments across the country to support their response to and recovery from the COVID-19 public health emergency. Recipients may use SLFRF funds for a wide range of eligible uses, as outlined in Treasury’s final rule, including providing financial services for unbanked and underbanked individuals as a response to the negative economic impacts of the COVID-19 pandemic. In 2023, Treasury will outline how recipients may use SLFRF to provide financial services for the unbanked and underbanked populations harmed by the negative economic impacts of the pandemic, which (subject to program requirements) may include justice-involved individuals, and will highlight recipients that are utilizing SLFRF funds to assist justice-involved individuals in gaining access to financial services and bank accounts.
 - Through the **Community Development Financial Institutions (CDFI) Fund and the Emergency Capital Investment Program (ECIP)**, Treasury provides grants and other support to CDFIs, which provide financial and capacity-building services to local populations, with a particular focus on populations that are underserved by existing banks, credit unions, and other financial institutions, such as people with criminal history records.



- **Soliciting feedback and recommendations on how to improve access to financial products and services for justice-involved persons.** Treasury will convene relevant external stakeholders, such as civil rights and advocacy groups, for a series of listening sessions beginning in FY 2023 to gather more information to determine the most useful approaches to improving access to consumer financial products and services, including bank accounts, and promoting financial inclusion for justice-involved individuals. Additionally, Treasury will convene federal agencies on bilateral and multilateral bases to explore and develop solutions to address banking barriers for justice-involved individuals, including convening a public meeting of the Financial Literacy and Education Commission (FLEC) in April 2023 to discuss the challenges justice-involved individuals face when trying to access banking and capital, as well as the implications of a lack of credit and the cost of fines and fees. Treasury will also engage with financial regulators and other FLEC member agencies, on a bilateral or multilateral basis, to explore strategies for increasing justice system-involved persons' awareness of, and access to, financial services, including through existing agency resources and communication channels. Treasury's Office of Consumer Policy (OCP) works to promote the focus on financial inclusion and access to essential financial services, as well as financial capability through the FLEC.
- **Amplifying best practices by financial institutions.** Treasury will engage with private sector financial institutions, as well as banking trade associations, on best practices for providing justice-involved individuals access to essential financial services in FY 2023. Potential options include exploring the use of special purpose credit programs through financial institutions to expand consumers' access to private sector credit product offerings. Treasury will engage relevant stakeholders to encourage the widespread availability of safe, low-cost transactions accounts for justice-involved individuals. Treasury will convene CDFIs and Minority Depository Institutions to explore potential paths through which the CDFI Fund can encourage or help expand access to capital and bank accounts for justice-involved individuals.

Strengthen national service programs and public safety by recruiting and retaining formerly incarcerated persons

Ensuring that AmeriCorps and national service programs reflect the diversity of our country and the communities they serve is a top priority for the Biden-Harris Administration. That is why AmeriCorps is committed to:

- **Serving and supporting justice-involved youth in national service.** Under its current rule, AmeriCorps is prohibited from allowing members in any program to spend more than 20% of their time on professional development and training. AmeriCorps is commencing a process to review or waive this rule so that justice-involved youth are not limited in their ability to seek job training and development, which will enhance their opportunities for success.
- **Reducing and removing barriers to service and employment for qualified people with arrest or conviction records.** While arrests and convictions are not always disqualifying for those seeking to serve through AmeriCorps programs and AmeriCorps grantees, the manner in which mandatory criminal history checks are used and the



manner in which their use is communicated may discourage qualified individuals with any criminal history from applying to participate in national service programs. In order to reduce unnecessary barriers to service, AmeriCorps will review and revise the manner in which it communicates statutory and regulatory requirements for criminal history background checks. AmeriCorps' Office of Human Capital will also engage with OPM on strategies to improve recruitment, hiring, and retention of qualified individuals with criminal history records.

- **Pursue changes to elevate programs that provide meaningful reentry opportunities through educational and workforce training.** Through its AmeriCorps State and National and Seniors grant programs, AmeriCorps will pursue lowering barriers for organizations “serving historically underrepresented and underserved individuals,” including people with arrest and/or conviction records, to apply for funding as proposed in its FY24 legislative program.
- **Eliminating barriers for people with drug-related convictions to use their AmeriCorps-earned education awards.** In 2021, President Biden signed a law repealing the prohibition on people with drug convictions receiving federal student aid. AmeriCorps' FY24 Budget documents announced a legislative proposal to eliminate a similar prohibition that prevents people with drug convictions, who have already given back to their community through their service, from using the Segal AmeriCorps education awards they would otherwise fully earn during their AmeriCorps service. Segal education awards can be used to repay qualified student loans and pay current educational expenses at eligible institutions of higher education and training programs. AmeriCorps will announce in April that it is changing its policy so that people can request an extension to use their Segal AmeriCorps education awards if they were incarcerated. These eligibility changes could increase awareness and favorability toward national service and increase participation from communities of color and communities disproportionately impacted by systemic inequities in the criminal justice system.

Support the right to vote and civic participation for eligible persons

Over six million Americans are barred from voting in elections due to criminal convictions, with four million of those on parole or probation.¹³⁹ While states such as Vermont and Maine have completely eliminated barriers to voting for convicted felons, other states require an individual to have completed probation and pay all debts before restoring voting rights.¹⁴⁰ These barriers disproportionately impact African Americans.^{141,142} On March 7, 2021, the anniversary of Bloody Sunday, President Biden signed an executive order directing a whole-of-government effort to promote access to voting. As part of implementation of that executive order, agencies continue to leverage their resources to provide eligible Americans with access to voter registration services and nonpartisan information about elections. In particular, the Biden-Harris Administration is highlighting the following efforts focused on formerly incarcerated persons who are eligible to vote:

- USDA FNS will highlight requirements for states to provide voter registration services for eligible persons and explain how these services can support justice-involved individuals, and will remind states that in designing their Employment and Training (E&T) plans, they can target justice-involved individuals for E&T services or partner



with organizations that provide services to that population. In the near-term, FNS will update and disseminate these myth-busters to SNAP state agencies through regional partners and will share these materials with advocate partners, including food bank networks and reentry support groups, to ensure the materials reach the intended audience.

- DOE is encouraging recipients of its competitive grants, including in the BIL, IRA, and CHIPS Act, to employ workers from historically underserved communities, including formerly incarcerated people, and to partner with registered programs that facilitate the reentry of formerly incarcerated individuals, including by restoring the right to vote for eligible people.

Improve supervision outcomes and reduce recidivism during reentry

Approximately five million people are under some form of probation or parole in the United States.¹⁴³ Research has shown that the majority of serious probation, parole, or supervised release violations occur within the first year of release from jail or prison.¹⁴⁴ Some states have implemented evidence-based approaches that shorten supervision periods for people who have been compliant since the conclusion of their sentence, with no increase in crime or recidivism.¹⁴⁵ The Biden-Harris Administration is committed to investing in evidence-based approaches that reduce recidivism and incentivize compliance and successful reentry, including by:

- **Improving state and local supervision outcomes through federal grants.** DOJ is leveraging Second Chance Act funding to help state agencies implement data-driven strategies for improving outcomes for people returning to, and supervised in, their communities. DOJ will pair site-based investments with tailored training and technical assistance designed to help state correctional and supervision agencies deploy data to drive policy change, address racial and ethnic disparities, create accountability for meeting the needs of the reentry and supervision populations, and reduce recidivism. DOJ will also support the implementation and evaluation of community supervision models designed to reduce revocations for technical violations, as part of a new partnership with the University of North Carolina at Charlotte. Through this initiative, three probation and parole agencies will pilot a strategy for transforming organizational culture and operations.
- **Launching the Community Supervision Resource Center.** DOJ is additionally standing up a Community Supervision Resource Center (CSRC) to provide information and assistance to state, local, and tribal entities responsible for adult probation, parole, and pretrial supervision. The CSRC will translate knowledge into actionable guidance for the field to strengthen supervision and public safety outcomes, with a focus on advancing racial equity and centering the experiences of individuals and communities impacted by the criminal justice system.

Reduce counterproductive or unlawful enforcement of excessive fines and fees consistent with public safety

Fines are financial penalties that might be imposed as part of a person's sentence, while fees are itemized monetary charges related to specific functions of the justice system. Individuals incur fees for participating in court-mandated activities, such as drug tests or electronic monitoring, and are charged fees for community supervision or room-and-board costs for periods of



incarceration. Failure to pay fines and fees can result in serious sanctions, including driver's license suspension, revocation of community supervision, or ineligibility for criminal history record clearance.¹⁴⁶ Yet state and local courts often impose and enforce these financial obligations without accounting for an individual's ability to pay, creating a substantial and disproportionate burden for low-income individuals.¹⁴⁷ At the same time, studies have suggested that fines and fees are ineffective at raising government revenue, as governments must devote significant resources to collecting and enforcing court debts. To address these challenges, the Biden-Harris Administration is:

- **Supporting state and local efforts to rethink the use of fines and fees while enhancing public safety.** Moving forward, DOJ will initiate new training and technical assistance for a select number of jurisdictions interested in examining and reforming fines and fees policies and practices in ways that advance public safety and equity. DOJ will provide support to help jurisdictions understand and remedy the disproportionate effects of financial penalties on low-income communities and communities of color, limit punitive sanctions for nonpayment that contribute to cycles of poverty and justice system involvement, and identify opportunities to reduce reliance on the imposition of unjust fines and fees, ease the burden on law enforcement, and refocus government resources on strategies with a greater return on public safety and justice.
- **Issuing a Dear Colleague letter regarding the imposition and enforcement of fines and fees.** DOJ issued a [Dear Colleague Letter](#) for state and local courts and juvenile justice agencies regarding the imposition of fines and fees for adults and youth. In many cases, unaffordable fines and fees undermine rehabilitation and successful reentry and increase recidivism for adults and minors. The letter addresses common court-imposed fines and fees practices and cautions against those practices that may be unlawful and unfairly penalize individuals who are unable to pay or otherwise have a discriminatory effect. DOJ will follow up on this letter by building a best practices guide, highlighting innovative work by states and court leaders in this area.

Support sealing and expungement of records, as appropriate and consistent with state and local laws and policies

Approximately 70 million Americans have a criminal history record, the same number as have a college education.¹⁴⁸ An arrest or conviction hinders a person's ability to obtain a job or secure housing, contributing to high rates of homelessness among people leaving jail and prison. People with criminal history records may lose access to public benefits and become ineligible to receive federal loans. State laws may bar them from voting or obtaining professional and occupational licenses. Research shows that the stigma of having a record is worse for minority job applicants than for White applicants, which means racial disparity in the system continues to affect people long after their sentences are served.¹⁴⁹ That is why the Biden-Harris Administration is leveraging federal grants to support state and local efforts to seal and expunge records in appropriate cases, including:

- In support of this goal, DOJ has requested \$15 million in the President's FY24 budget for a grant program that will help young people expunge, seal, or vacate their juvenile records in accordance with state laws and policies. If funded, the program will help eliminate barriers to successful reentry and improve long-term outcomes for youth by



integrating juvenile record expungement, expunction, and/or sealing services into the existing state, local, and tribal courts and juvenile defense service delivery systems. Additionally, DOJ has also clarified that jurisdictions may leverage federal funds under two grants, the Byrne Justice Assistance Grant and the National Criminal History Improvement Program, to support efforts to seal and expunge criminal history information in accordance with state laws and policies.

- Recipients of **HUD's Community Development Block Grants** can use up to 15% for public service activities, including programs that provide legal services to support returning citizens. Many CDBG grantees are already using funds to provide legal services that work to expunge or seal records that might otherwise serve as a barrier to accessing needed support services. HUD will increase awareness among all grantees of eligible uses of CDBG funds.
- **DOE's competitive BIL, IRA, and CHIPS Act grants** encourage recipients to employ qualified workers from historically underserved communities, including formerly incarcerated people. As part of applicants' project proposals, they must submit details on Community Benefit Plans regarding workforce and community engagement, which count for 20% of the application's technical merit points. Specifically, the Community Benefit Plans can include partnering with registered programs that facilitate the reentry of formerly incarcerated individuals, including with sealing and expunging of criminal history records consistent with state and local laws and policies.
- Veterans who are homeless or at risk of homelessness often face legal issues that make it difficult for them to obtain or maintain stable housing. VA's new **LSV Grants** will enable VA to deliver legal services to these veterans. Legal services—particularly civil legal services that support accessing government benefits and discharge upgrades, navigating family law and child support issues, ensuring access to safe housing and preventing eviction, assisting with debt, and barriers to employment—can all be critical to resolving or preventing homelessness. These legal services for veterans who are homeless or at-risk for homelessness can include criminal case needs, such as record expungement and sealing consistent with local law that may be necessary to help with access to housing, employment, or benefits. The Biden-Harris Administration will award the first set of grants from this newly established program in 2023.



Appendix: Summary of Agency Actions

GOAL 1: IMPROVING PUBLIC SAFETY WHILE REDUCING UNNECESSARY CRIMINAL JUSTICE SYSTEM INTERACTIONS

Crisis intervention programs and alternative and co-responder models

- CDC will continue to explore opportunities for collaboration between public health and public safety officials, including promoting diversion in appropriate cases and successful reentry.
- DOJ will fund state and local law enforcement agencies to support trainings that equip officers with more effective strategies for responding to individuals with disabilities or those experiencing mental health and substance use-related crises.
- DOJ will pursue opportunities to expand support for comprehensive continuums of first response and service provision, including community responder models, through investments that will foster innovation, promote knowledge exchange and dissemination, and deepen our understanding of what works as alternatives to traditional police responses.
- DOJ will promote innovation, replication, and evaluation of promising and innovative diversion models in appropriate cases consistent with public safety. DOJ is providing funding for evaluations of models that divert individuals with mental health disorders away from the justice system and toward community-based resources, including 911 dispatch diversion models and co-responder models.
- The U.S. Forest Service will implement crisis intervention training for all officers and agents, including how, in appropriate cases, to refer people to mental health services instead of for criminal charges.

Treatment courts

- ONDCP will continue to fund the National Association of Drug Court Professionals' newly launched training on best practices to promote equity and increase capacity for all state and local treatment courts, with the goal of 80% of treatment courts nationwide receiving this training by 2025.
- HHS will continue to invest in state, local, Tribal, and territorial drug treatment, mental health, and reentry courts and programs.
- DOJ will fund diversion programs that provide supportive services and alternatives to incarceration to people with mental health and substance use disorders in appropriate cases consistent with public safety.
- DOJ will make grants to states and localities to support specialized treatment courts, a type of problem-solving court that diverts people charged with offenses related to substance use disorder into treatment programs in appropriate cases consistent with public safety; and prioritize efforts to promote equity within treatment courts.



- DOJ will support treatment courts that are designed to provide intensive judicial supervision and treatment to address the needs of veterans and, in doing so, support successful outcomes and prevent and reduce the risk of future criminal justice system interaction, enhancing public safety.

Veterans' interactions with the criminal justice system

- VA will: (1) highlight additional tools for law enforcement when interacting with veterans with mental health and substance use disorders and referring them to community services; (2) expand support of community law enforcement partnerships to provide veterans with treatment instead of arresting or charging them; (3) explore how to support and expand veterans' courts; (4) expand outreach to veterans to facilitate access to VA services, such as health care and other supportive services, at the earliest possible point and throughout their criminal case; and (5) fund legal services for civil matters and criminal case-related barriers for veterans who are homeless or at risk of homelessness.

Restorative justice

- DOJ will leverage new authorities, provided under the Violence Against Women Act (VAWA) Reauthorization of 2022, to support alternative pathways to justice through grants from the Office on Violence Against Women (OVW).
- DOJ will support the National Center on Restorative Justice (NCORJ), which has developed curricula to educate undergraduate, graduate, and law students and criminal and juvenile justice professionals in the history, philosophy, and practices of juvenile, criminal, and restorative justice.

Support for crime victims

- DOJ launched a grant program designed to end the criminalization of minors who are victims of sex trafficking by developing, expanding, and strengthening victim services, criminal justice, and community-based programs to enhance individual and community well-being and public safety outcomes.
- DOJ will partner with the Association of Prosecuting Attorneys to support prosecutor-led diversion programs that serve survivors of gender-based violence involved in the justice system. This partnership will work to break cycles of victimization and justice-system involvement in order to create more equitable public safety outcomes for all and strengthen safety within communities across the country.
- CDC will explore strategies to prevent victims of trauma or violence from becoming perpetrators of violence or otherwise involved in the criminal justice system.

Support and empower survivors of gender-based violence

- DOJ OJP will launch a cohort of prosecutor-led diversion programs tailored to survivors of gender-based violence who are involved as defendants in the justice system.



Early care and education

- CDC is funding strategies to prevent and reduce exposure to adverse childhood experiences (ACEs) and will seek to explore opportunities to continue to support those strategies, including by preventing youth violence and criminal justice involvement for youth who have juvenile justice system involvement or parents who are formerly incarcerated.
- DOI will use FY24 Tiwahe funding to expand cultural programming that will reduce Native youth involvement in the juvenile and adult criminal justice system.
- DOJ will provide support and funding for delinquency prevention, intervention, and youth diversion activities.
- DOJ will fund judicially-supervised accountability strategies that divert parents and primary caregivers away from incarceration when it is in the best interest of the child and public safety.

Criminalization of homelessness

- HUD will: (1) provide grants and rental assistance vouchers to implement cost-effective approaches to solving unsheltered homelessness; and (2) provide TTA to jurisdictions on strategies to provide housing and other supportive services to resolve homeless encampments and avoid criminalization.
- DOJ will fill a knowledge gap around justice system responses to people experiencing homelessness by funding and supporting the development and analysis of an inventory of current policing practices related to homelessness.

Minor traffic and other non-violent public order infractions

- DOT will: (1) launch its subcommittee on equity and safety to provide feedback and develop potential recommendations for the Secretary on issues including addressing racial profiling in traffic enforcement and reforming traffic safety programs that have traditionally relied on law enforcement; and (2) issue updated guidance on speed safety cameras to address equity, civil rights, and safety concerns.
- U.S. Forest Service will evaluate deflection in appropriate non-violent low-level cases so that officers could issue violation notices resulting in a payment assessment and could provide officers with an alternative to making a federal or state criminal referral consistent with public safety.
- DOJ will support new grant programs that assist communities in addressing low-level offenses in ways that ease the burden on law enforcement and strengthen public safety.
- DOJ will fund community problem-solving court programs that connect people charged with less serious and low-level offenses to judicially-supervised alternative sanctions and community-based services.



Data collection, evidence, and evaluation

- DOJ will work with the Council of State Governments (CSG) Justice Center, law enforcement, and criminal justice stakeholders and organizations to develop recommendations on criminal justice metrics and tools to help jurisdictions use existing data to make informed decisions without costly upgrades.
- DOJ will invest in a comprehensive review of research focused on racial and ethnic disparities in the criminal justice system, with the goal of identifying interventions with the potential to reduce disparate treatment, as well as those policies and practices that have exacerbated disparities.
- OSTP, in partnership with NIH and NSF, will develop tailored memoranda, briefings, and interagency working groups focused on how to leverage social and behavioral-science best practices, evidence synthesis, and measurement to improve criminal justice policy development and implementation.

Criminal justice system interactions

- DOJ will fund state- and local-level strategies that connect people a judge has released pretrial to supportive services designed to advance public safety and increase court appearance rates.
- DOJ will disseminate guidance on state and local pretrial supportive services that advance public safety.

GOAL 2: SUPPORTING REHABILITATION DURING INCARCERATION

Education

- ED will: (1) implement Pell grants for individuals who are incarcerated; (2) provide technical assistance to states, localities, and Tribes on correctional and reentry education; and (3) publish a brief for colleges and universities to support incarcerated and formerly incarcerated students.
- DOJ will support state- and local-level correctional programs that provide high school equivalency degrees, vocational training, and other certifications through grants.
- DOJ will provide training and technical assistance to correctional and educational institutions to expand access to Pell Grants for incarcerated students.
- DOC will support this work by investing in formerly incarcerated persons' digital literacy and access through NTIA's digital equity planning grants.

Conditions of confinement

- DOJ launched the Jails and Justice Support Center, a national hub to help jail administrators establish safe and humane environments; and fund training and technical assistance to help state and local correctional agencies adopt reforms designed to reduce the use of restrictive housing.



- DOJ: (1) is in the process of hiring additional detention staff to help prevent potential overcrowding and improve safety and rehabilitation; and (2) will engage in Tribal consultation to address potential overcrowding, including by evaluating alternatives to pre-trial detentions, such as release for good behavior, electronic monitoring, or video arraignments.
- DOJ will partner with CDC to support the detection and mitigation of COVID-19 in correctional institutions nationwide and release a revised version of the guidance document, Emergency Planning for Juvenile Justice Residential Facilities, to incorporate lessons learned from the COVID-19 pandemic and other recent emergencies and natural disasters.
- DOJ will launch a program focused on expanding service provision to survivors of sexual abuse in the juvenile justice system; and pursue avenues to reduce barriers to incident reporting and victims' services for individuals who experience sexual abuse while incarcerated.

Medical care

- DOJ will provide guidance and training to jails on how increase access to substance use treatment, including MOUD (medications for opioid use disorder), and how to manage withdrawal.
- DOI will work with HHS to support medical and health care services for American Indian offenders through MOU agreements between the Departments.

Family connections

- The FCC will begin rulemaking to cap the cost of intrastate calls to and from people in jails and prisons.
- DOJ will fund correctional facilities to support child-friendly visiting spaces, transportation assistance to facilities for in-person family visits, video visitation, parenting classes and programs, and other activities designed to strengthen family relationships; and training and technical assistance on best practices.

Correctional leaders

- DOJ will fund a research fellowship focused on developing training recommendations for correctional staff to create positive climates for staff and incarcerated individuals and fund a study on the impact prioritizing rehabilitation can have for correctional facilities.
- CDC will explore opportunities for rigorous implementation evaluation of treatment approaches for justice-involved populations (or those at-risk of justice involvement).
- CDC will explore opportunities that could enable juvenile justice and criminal justice professionals to learn how to reduce experiences that perpetuate ACEs.



Voting

- DOJ will develop and disseminate training and technical assistance resources to explain state-specific voter rights for incarcerated persons and highlight the DOJ guide outlining how state voting rules apply after criminal convictions.

GOAL 3: FACILITATING SUCCESSFUL REENTRY FOR PEOPLE RETURNING HOME FROM JAIL OR PRISON

Housing

- HUD will: (1) update its regulations and issue guidance to ensure that applicants with criminal history records are screened using holistic and individualized assessments; (2) publish a proposed rule that, if adopted, would remove a prohibition preventing the hiring of people with criminal history records as fair housing testers to help uncover discriminatory practices; and (3) highlight that up to 15% of CDBG funds can be used to support reentry, job training, and other CVI strategies.

Education

- ED will publish a brief for colleges and universities to support incarcerated and formerly incarcerated students.

Health care

- HHS announced a new Medicaid reentry section 1115 demonstration opportunity to help increase care for individuals who are incarcerated in the period immediately prior to their release to help them succeed and thrive during reentry. Following the announcement, HHS will continue to support the 14 states that have applied for the demonstration opportunity (California has been approved), encourage other states to apply, and encourage reentry organizations and public health organizations to partner with states.
- ONDCP will promote to local jurisdictions and state Governors the availability of CMS' Medicaid section 1115 demonstration opportunity to expand access to MOUD—and health care more generally—in local jails, state prisons, and other correctional facilities. This work is in line with President's commitment in National Drug Control Strategy to expand access to MOUD in state prisons and local jails by 50% by 2025.
- DOJ will work with federal partners and stakeholders in the field to increase uptake and successful implementation of Medicaid 1115 demonstration authorities and other related opportunities to improve health coverage and continuity of care for justice-involved individuals pre- and post-release.
- HHS has disseminated information to reentry and disability organizations, and public health partners about the new special enrollment period for Medicare for formerly incarcerated persons, which will help avoid potential gaps in coverage and late enrollment penalties.



Federal nutrition and subsistence benefits

- USDA's Food and Nutrition Service will aim to improve access to SNAP nutrition benefits for people with criminal history records by: (1) issuing guidance and providing technical assistance on administrative waivers that states can use to begin SNAP benefit processing before release from jail and prison; (2) publishing resources debunking myths about SNAP eligibility for people with criminal history records, to be used by SNAP state agencies and community partners; (3) developing guidance and webinars to highlight promising practices from State and local SNAP agencies partnering with correctional facilities and reentry organizations to connect formerly incarcerated individuals with nutrition services; and (4) highlighting requirements to state SNAP agencies to provide voter registration services and opportunities to target justice-involved individuals for SNAP Employment & Training (E&T) services or partner with organizations that provide services to that population.
- HHS will take action to improve TANF, such as helping states, the District of Columbia, territories, and Tribes refocus TANF funds on basic assistance, employment and training, and family strengthening services for persons and families experiencing the greatest economic needs, such as those returning home from jail and prison.

Government-issued identification

- DOT, with support from DHS and DOJ, will engage with the American Association of Motor Vehicle Administrators (AAMVA), which represents all state licensing agencies, to survey jurisdictions for a toolkit of best practices for providing state-issued identification for eligible persons with criminal history records.
- BOP is consulting with DHS to develop a Release Folder containing all official documents providing reliable information necessary to obtain a REAL ID compliant identification from the state licensing agency where the formerly incarcerated person intends to reside.
- DOC will encourage its grant recipients to hire formerly incarcerated persons and partner with registered programs that provide access to government-issued ID.
- VA will evaluate the feasibility of providing VA ID to veterans prior to release from jail or prison.

Support for veterans

- VA will: (1) require quarterly VA outreach in federal and state jails and prisons to identify veterans and ensure they receive their benefits; (2) increase the number of jails and prisons that provide data on incarcerated veterans so that VA can identify and help them; and (3) accelerate the automation of information-sharing among BOP, VA, and SSA to expedite benefit restoration and prevent veterans from overpaying benefits.
- Through MBDA, DOC will work with VA to evaluate the feasibility of a new initiative to promote entrepreneurship for veterans, including those with criminal history records, have the support necessary to start their own businesses.



Supportive services for Tribes

- DOI will support Tribal opportunities to utilize the Tribal PL477 Program that streamlines the process for Tribes to access federal funding to support reentry and job training programs.

Federal agency employment

- ED will launch its Second Chance Fellowship program. DOJ welcomed two Second Chance Fellows whose professional expertise and lived experience in the justice system will help inform the Department's efforts to promote reentry success.
- OPM will: (1) issue the final rules implementing the Fair Chance Act, including establishing new accountability steps for hiring officials who violate "ban the box" procedures; (2) leverage the Chief Diversity Officers Executive Council to develop agency-specific plans to recruit, hire, and retain people with criminal history records; (3) partner with reentry and criminal justice organizations to promote federal employment opportunities; and (4) improve its data analysis of federal employment barriers in order to support a separate hiring authority.
- U.S. Forest Service will expand partnerships with reentry and community organization to support formerly incarcerated persons interested in applying for the agency's fire and conservation crews.

Federal contractor and subcontractor employment

- DOE, DOT, and DOC will leverage funding from BIL, IRA, and CHIPS Act and their respective discretionary grant programs to encourage recipients to hire people with criminal history records where authorized and appropriate.
- DOL will assist contractors and subcontractors for select construction projects over \$35 million to strengthen recruitment, hiring, and fair employment practices for talented workers from underrepresented communities into quality jobs in the construction workforce, and can strengthen outreach to underserved communities, including those with criminal justice involvement.

Private sector employment

- DOC and DOL will partner with external stakeholders later this year to highlight employers who are excelling and benefiting from hiring and retaining people with criminal history records into quality jobs and encourage other private employers to do so.
- SBA will host an event with small business owners who have successfully launched hiring initiatives for people with criminal history records to encourage others to do the same. In addition, the SBA will leverage its resource partnerships to provide training to small business owners in best practices for hiring the justice involved, as well as training in business ownership and entrepreneurship for the justice involved. The SBA will also highlight additional strategies to facilitate the hiring of justice-involved individuals.



- USDA will publish guidance and training for state SNAP agencies on how they can provide justice-involved persons with employment and training services or partner with reentry or workforce organizations.

State and local workforce development programs

- DOL will: (1) fund state and local workforce strategies and partnerships that provide education, job training and development, and supportive and legal services to justice-involved youth and adults, and evaluate the workforce and recidivism impacts of those strategies; (2) partner with HBCUs, community organizations, and employers to improve recruitment and retention among women, including justice-involved women, with a focus on the Southeast region; and (3) incorporate “people with criminal histories” as a targeted population in DOL’s grants where allowable under existing authority.
- DOC will: (1) support the partnership development of the 32 grantees of the ARP-funded \$500 million Good Jobs Challenges, including the roughly one-third of grantees that include formerly incarcerated persons in their hiring; and (2) build a Community of Practice through technical assistance provider Jobs For the Future.

Entrepreneurship

- SBA will: (1) publish a proposed rule to expand access to its loan and loan guarantee programs to people with criminal history records; and (2) promote programs across the country to provide training to people with criminal history records on how to pursue and succeed in entrepreneurship.
- Treasury will: (1) publish a factsheet highlighting examples of jurisdictions using its SSBCI program to expand access to capital for justice-involved individuals; (2) convene states to share best practices on the inclusion of underserved entrepreneurs, including those with criminal history records; and (3) engage with regulators on best practices for expanding access to credit for justice-involved small business owners.
- DOC will continue to ensure justice-involved persons have the access to entrepreneurship training and business development services through MBDA.

Occupational licenses and credentials

- DOL will review how employers use hiring incentivizes and solicit feedback from stakeholders to help evaluate the success of current efforts to reduce barriers.
- DOE and DOL will convene a roundtable of clean energy employers and reentry organizations to discuss best practices for hiring formerly incarcerated person, including through Registered Apprenticeships and union partnerships.
- DHS will electronically publish information on the DHS-issued credential necessary for supply chain jobs at ports and transportation hubs (the Transportation Worker Identification Credential®), and clarifies that individuals with criminal history records can apply and if initially denied, can appeal the decision, or request a waiver via the redress process.



Banking and financial services

- Treasury will: (1) highlight best practices and promising approaches, improving financial inclusion goals; (2) convene financial regulators and civil rights and criminal justice groups to develop solutions to address financial services and access to capital barriers for people with criminal history records; and (3) engage with private sector financial institutions, as well as industry trade associations, on how to expand access to essential financial services, including developing safe, low-cost transactions accounts.

National service programs

- AmeriCorps will: (1) amend its rules to enable justice-involved youth to engage in job training and development activities; (2) prioritize funding for organizations that work with and serve justice-involved populations; (3) reduce unnecessary barriers to service by reexamining how criminal history check requirements are communicated; (4) engage with OPM on strategies to recruit and hire individuals with non-disqualifying criminal history records; (5) seek Congressional repeal of the ban on AmeriCorps education awards for individuals with drug convictions; and (6) reduce barriers for individuals whose incarceration interferes with their use of AmeriCorps education awards.

Legal system interactions

- USDA will highlight requirements to state SNAP agencies to provide voter registration services and encourage them to partner with reentry organizations.
- DOE will encourage its competitive grant recipients to partner with reentry organizations, including ones that help restore the right to vote for eligible people.
- Through their existing grant programs, HUD, DOE, and VA will highlight that sealing and expungement are eligible uses of certain grants.
- DOJ will support implementation and evaluation of community supervision models designed to reduce revocations for technical violations and launch a training and technical assistance center to improve community supervision outcomes and reduce recidivism.
- DOJ issued a Dear Colleague Letter for state and local courts and juvenile justice agencies regarding the imposition of fines and fees for adults and youth that addresses common court-imposed fines and fees practices and cautions against those practices that may be unlawful and unfairly penalize individuals who are unable to pay or otherwise have a discriminatory effect.
- DOJ proposed a \$15 million FY24 grant program for youth to expunge, seal, or vacate juvenile records in accordance with state law and policies and highlighted that sealing and expungement are eligible uses of two existing funding opportunities, the Byrne Justice Assistance Grant and the National Criminal History Improvement Program.



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