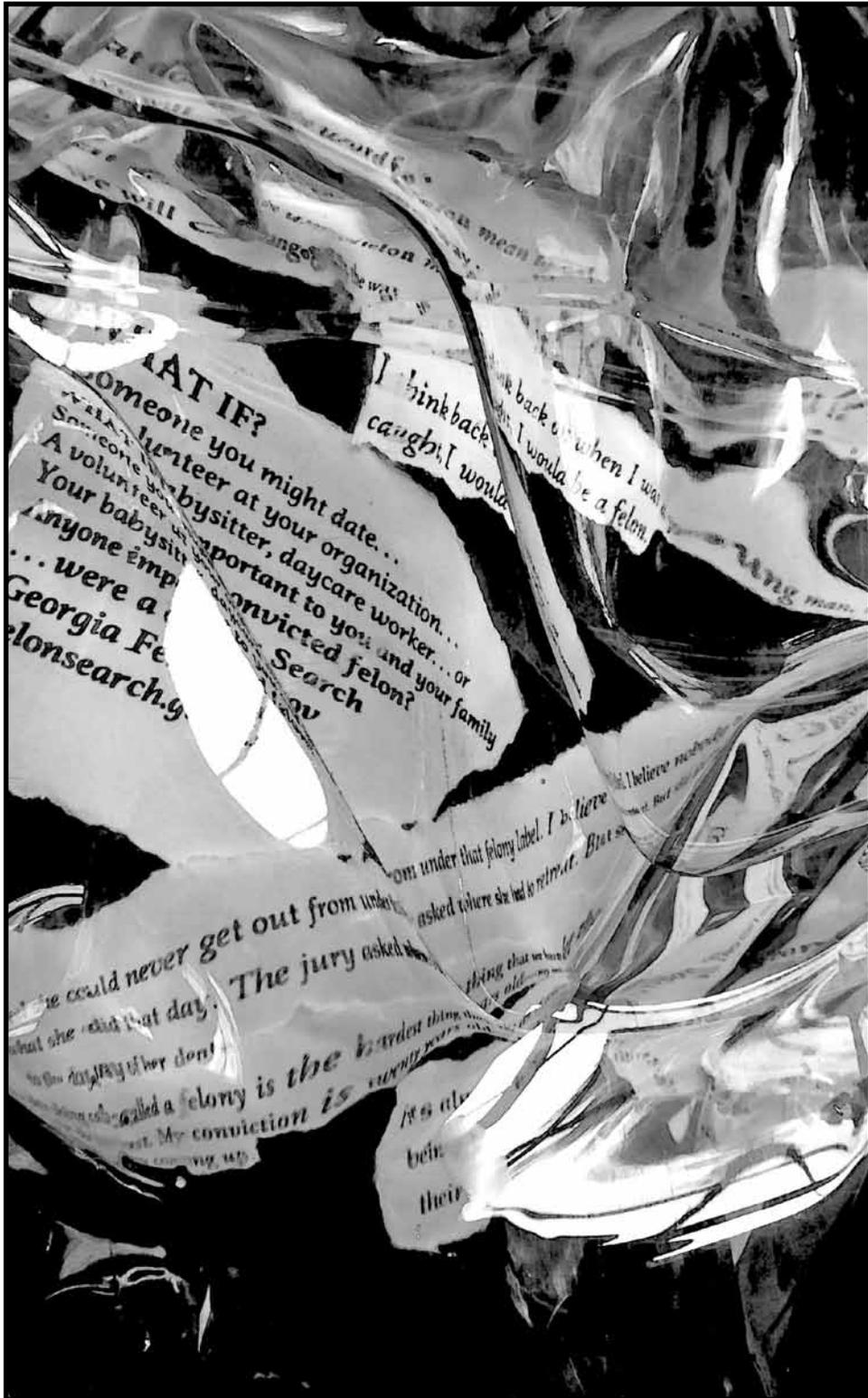


FOREWORD

Reentry is here. We simply can't afford financially to imprison at the rate and length we have for the last three decades. But for reentry to be here to stay, we as an entire society need to share the burden. What attitudes need to shift to make assisting formerly incarcerated people to reenter and reintegrate in society a safe, socially and morally desirable action? Why is a commitment to reentry as a stance so important for a highly polarized society? What kind of a system do we create when we think of those who break laws as essentially different from us? What does this attitude justify, what does it protect us against? What does thinking this way do to our character as individuals and as a nation?

This book is the result of a six-year Wising Up Listening Project on reentry in Georgia. Its aim is to share what we learned, to expand, individual story by individual story, our understanding of the importance and the challenges of successful reentry for all of us after an age of mass incarceration. This project has taught us that we need to look more carefully at the stories we use to understand crime—and justice. We need to collaborate on new ones, more complex, nuanced, compassionate ones that make room for both the suffering of the victims of crime and the possibility of change and constructive social contribution on the part of those who have been convicted of crimes and punished for them—stories that understand the reality of both irreparable harm and our capacity for remorse and change. We need to bring these stories under a single roof, hold them all in our hearts if we are to work toward a truly just system—one where we feel assured that our children, our brothers and sisters, our mothers and fathers, or we ourselves will be justly treated if we commit a crime or are the victim of one. This book is one attempt, by common citizens, to do so.



INTRODUCTION

WHAT ARE WE CLAPPING FOR?

In the 2019 State of the Union address, the president announced the passage of a long-awaited bipartisan criminal justice reform bill, the First Step Act. He identified two of his guests as people directly impacted by the bill. When they stood, they received standing ovations. But if one stops to think about it, the applause is as ambiguous as our attitudes toward criminal justice. Another family, earlier, was applauded for having a family member murdered in their home by an illegal immigrant, their presence at the speech providing support for the president's claims that the issue of illegal immigration is inseparable from crime. The two people who stood as exemplars of criminal justice reform were not illegal immigrants. They were black. They both had served extremely long sentences for nonviolent drug crimes. Matthew Charles, the first person to be released as a result of the First Step Act, was serving a thirty-five-year sentence. Alice Johnson, who was granted presidential clemency in June, 2018, after her story came to the president's attention through the advocacy of a reality television star, was serving a mandatory life sentence. Although strong advocates of criminal justice reform, we found the applause unsettling.

Were the members of Congress applauding the now very rare bipartisan support behind the bill? Applauding their own ability to begin to right some clear injustices in federal criminal justice laws, especially concerning racial inequality in sentencing, by placing greater emphasis on judicial discretion in sentencing, community supervision, and rehabilitation? Were they applauding stories of personal rehabilitation *in spite of* unjust sentences? In other words, applauding these individuals' heroic resistance? Or their heroic persistence?

Is it in our best interest as a society to have rehabilitation be an heroic story where the criminal justice system *as a system* is the malignant adversary? Does it help us to ignore or forget that the laws we are righting have had—and continue to have—lasting consequences that individuals may *not* be able to overcome? Or that those in prison, in general, are not innocent—that

rehabilitation and reintegration must include a far more nuanced and uncomfortable relationship to individual behavior and societal response that includes an acknowledgement of the capacity for wrong-doing on all sides? Does that awareness deserve applause—or a moment of meditative silence?

WHAT IF

In the early days of our interviewing, there was a billboard posted prominently in many of the MARTA stations in Atlanta as well as on the subway cars. The *What If* campaign was designed to gather income for the state through felon searches using Georgia's own databases. It played on our fears. Here is the text:

What If?

Someone you might date . . .
A volunteer at your organization . . .
Your babysitter, daycare worker . . . or
Anyone important to you and your family
. . . were a convicted felon?

Georgia Felon Search
felonsearch.ga.gov

Ironically, the *What If* campaign was rolled out at the very same time that the governor, Nathan Deal, was promoting criminal justice reform, including supporting the *Ban the Box* campaign, whose aim is to give people with criminal records a chance at a first interview by not having to check a box indicating their criminal record on their job applications. The incongruity inspired us to talk with various people involved in both efforts.

But these questions—*What if someone important to you and your family were a convicted felon? What if you were one?*—are valid questions in a country that imprisons more people than any other in the world. Indeed, they are ones as a society we need to embrace—even if they bring us into direct and uncomfortable contact with our own deep contradictions.

At this point, there is a general consensus that we have imprisoned far too many people, far too inequitably, for far too long, in harsh conditions that do not improve them or create greater safety for us as a society. How do we as a society *repair* that damage in a way that builds genuine social trust?

We are not suggesting that most people who go to prison are innocent of the crimes with which they are charged, or that they did not do genuine

harm. We *are* suggesting that how we as a society respond to that wrong-doing has great impact on whether there will be genuine social repair. Without that social repair our best interests as a society—safety and social trust and voluntary prosocial commitments—will not be met.

We start with a challenging premise: *A criminal justice system that does not focus on reentry and reintegration at every step in its process, from pre-arrest to final release, is both inherently unjust and unsafe.*

Along with the presumption of innocence, we need the presumptions of growth, remorse, accountability, and change, *we need the assumption of return* if we are to have a system that makes us genuinely, sustainably safe. As common citizens it is our responsibility to make sure that the circle of justice is completed by asking ourselves WHAT IF throughout our criminal justice system: What if *I* were a felon, a victim, a family member, a defense attorney, a prosecutor, a judge, a prison guard, a community supervision officer, a neighbor, an employer, a friend? What, from this position in the system, would feel just?

We can introduce reforms throughout the system—from ending the school-to-prison pipeline, improving education, encouraging diversion, drug and mental health courts—but the reality is that we have already sent many of our citizens to prison for very long periods of time, subjected them to harsh conditions that did not make them more prosocial. How do we make it safe for all of us to have them return now as our neighbors? What do we owe them? What do they owe us? Institutional reform alone will not repair the current damage, simply reduce the future cost. The focus of this book is what relationships we are willing to create with the millions we have already incarcerated if we are, all of us, *together*, to rebuild social trust—individual by individual, community by community.

OUR OWN WHAT IF

Our first inspiration for this project was being the victims of crime ourselves. We live in unincorporated Stone Mountain, in DeKalb County, Georgia, a racially mixed community with a high number of recent immigrants, many of them refugees, an area we chose for its complex and promising diversity. However, soon after moving here, we were robbed of all our computers and our brand new car. We had a security alarm but had failed to set it for a half-hour trip to the grocery store. Because two bicycles were abandoned on the grass in front of our house, it was suggested that the robbers

were juveniles. Our car was found in an apartment complex ten blocks from our house several days later. When we questioned the police officer who was involved in its recovery about the safety of our new neighborhood, he answered that the neighborhood wasn't dangerous, although it had some "mischievous" kids. We thought of our new car, of all the never recovered computers we use for our professional work and wondered whether "mischievous" covered our loss.

When we collected the car from a county storage lot many miles away, we pondered the meaning of the CD in the player, a combination of rap and African song, the several McDonald's wrappers. We busied ourselves with improving our security system, adding new motion detectors, installing floor bolts, pounding in signs front and back and sideways advertising the alarm system. Whenever we passed the local high school four blocks away, we wondered if "our" thieves were attending classes or blithely out prowling empty houses. We wondered in new ways about the significance of the county's high dropout rates. What could we do to ensure our safety in the future? What did we want to have happen to "our" thieves? Given the permanent loss of all our computers, a simple "Sorry, my bad," would not suffice. Would having them work all the hours it had taken us to earn the money to buy the computers and car be sufficient? Or would they have to work all the hours *they* would need to work at minimum wages to really understand what they had done? Or did we want to address root causes and make sure they learned to read, finished high school, went to college or trade school (none of which were very probable, much less guaranteed at our low performing high school)?

But what about the unease that filled us every time we heard someone walk across our front porch and pause before ringing the bell? Or the way we had begun to look twice at every teenage boy (and why did we assume they were boys, not girls) who walked too slowly down our street? How could they make restitution for this generalized loss of social trust? A distrust that extended to the police, for whom this was life as usual in DeKalb, indeed deserved only the casual descriptor "mischievous." It was true that prison did not enter our thoughts about potential punishments, but a vague sense of physical threat kept us psychologically imprisoned for several years afterwards, reinforced by the assault on our frail Vietnamese neighbor as he got out of his car in his own driveway, and the three burglaries at the home of the African-American family across the street. We hear that anxiety echoed, magnified

many times over, on our local listserv, where every car that pauses for more than ten minutes inspires an anxious inquiry.

A more important inspiration for the project was our friend Betty Hasan-Amin, who participated in another listening project on interfaith understanding and also offered enthusiastic support for our two-year listening project on immigration, citizenship, and belonging. We visited her one day and found her busy writing a letter to then Attorney General Eric Holder protesting the differential impact of our sentencing laws, and, most poignantly, the severe collateral consequences of criminal convictions that now made it impossible for her sons to find good, stable employment. To feel that these bright and able young men, in their early or mid-twenties, would face a lifetime of prejudice and economic disadvantage after she had fought so hard to raise them and open doors for them was an anguish to her. More than that, it was a profound injustice because it robbed her and our society of all the good her sons were able to do for themselves and others. She could not protect them from their own worst choices, nor could she protect them from the inequities of a system that penalized them far more harshly than it would have done if they were white.

As we listened, we understood that others who had not met Betty, who just heard the outlines of her story, would make some damaging assumptions about her and her sons, assumptions that ignored all the determination that had led her, paralyzed and wheelchair bound at seventeen, to complete college, become a teacher, a devoted mother, assumptions that ignored all the care she had dedicated to their upbringing, ignored the potential of these intelligent young men, potential she had cultivated so faithfully and still cultivated, assumptions that were resolutely deaf to her suffering. These assumptions focused exclusively on individual responsibility and ignored the role that we, as citizens, might play in that suffering by countenancing these increasingly harsh laws and their glaringly inequitable social and racial impact.

But what consolidated that interest and concern of ours was a single phrase said in passing by an urbane man we were talking to while doing our immigration listening project. He was a former director of an international school located in Buckhead, the wealthiest section of Atlanta. Retired, his interest had now turned to our slightly down at the heels area of the city with its highly international population. He was considering starting his own non-profit directed towards recent immigrants and one of his ideas was to bring wealthy businessmen down to mentor refugees living in the many apartment

complexes. When asked whether these businessmen might also mentor the many young African-American boys in those same complexes (the complexes where "our" thieves probably lived), he answered immediately and without hesitation, "Absolutely not. It isn't exotic."

He's right, of course, the level of crime in our community—and its perpetrators—are *not* exotic. The situations that promote this are not exotic. They are deeply entrenched, seemingly intractable, reinforced subtly and overtly by our institutions as well as our attitudes. Engaging with the issue of mass incarceration and reentry is *not* exotic. It is difficult, implicating in ways that can make us feel very uncomfortable—and helpless. With immigrants we don't feel responsible for whatever happened in their country of origin; we usually assume that with a little assistance they will be able to thrive and climb. They reinforce our best assumptions about our society and our equal right to pursue happiness with a good chance of achieving it in some measure. But with this very *unexotic* question of *endemic* poverty, *endemic* racism, *endemic* violence, *endemic* crime, these assumptions of the power of the individual will are challenged.

We think that accepting that challenge together will make us all stronger.

APPROACH AND SCOPE OF OUR LISTENING PROJECT

Our greatest qualification for this project is that we are *average* citizens—and that provides us with both our social location and the persistence of our interest. We do live in an unusually mixed neighborhood for the south, and we do live in what has been one of the most punishing states in the nation and remains the most highly supervised. Because of our education and our professional experience, we have disciplinary fluency, which helped us gain access within the criminal justice system and, through a review of the scholarship, to locate our interest there as well. But prior to beginning this project, we had virtually no contact with the criminal justice system. That grounding in ignorance was a strength. It allowed us to be open to many different perspectives and a wide range of experiences—to follow our *questions* about the criminal justice system rather than search for confirmation for our assumptions.

We did, however, have three fundamental assumptions that deeply informed how we *conducted* this project. First, this issue mattered to us and it mattered to us *as citizens*. Second, we assumed that everyone we met had something to add to our understanding and that it was our job to listen for it.

We also assumed it was our job to listen in a particular way, one that sought to identify with the flow of good and wisdom in each person we met.

The majority of the interviews and research for this book took place between 2014 and 2016, a period of such intensive listening and reading, and such rapid institutional and attitudinal change, that we are still shaking our heads when we look back at our calendars, our interview and reading lists. But then, three years into the project, we slammed on the brakes. We were beyond exhausted. We had listened for hours at a time to more than two hundred people. We had read more books than that. We had more information than we could process. The tenor of the country had changed. *We* had changed, but we couldn't say how, or how much.

If we had finished writing this book three years ago we would have had a different book. For one thing, we would not have been able to absorb what we'd heard in the way we think is most necessary—heart to heart, with nuance. That took many more hours of relistening. Since we were conducting our interviewing at the height of reform momentum, we also would not have directly experienced one of the greatest and most uncomfortable truths about criminal justice in the United States—its constant oscillation between punishment and reform.

We *have* been able to see some of the important benefits of this wave of institutional reform. However, with time, we are also able to see what *hasn't* changed institutionally or legally. We can also see what some of these reforms may now be asking of us as common citizens if they are to become lasting changes.

Here are questions we now ask:

- ❖ *Has our move away from incarceration toward diversion and community supervision really reduced the population under control—or actually increased it and brought it closer to home, our homes? If so, what do we, as citizens, have to do to make this shift successful for us as well as for those being supervised?*
- ❖ *Has this been a decade of unusual bipartisan consensus around criminal reform that will result in relatively small incremental changes rather than a serious rethinking of why we punish so much more than other developed democracies?*
- ❖ *Will these reforms stop before we address the major structural reasons for the high level of incarceration—and before we address the many very real obstacles to reentry, both formal and informal, that remain? Whose responsibility is it to see this through?*

◊ *Have we reached the limit that institutional reform can do to facilitate reentry—if there is not a substantive accompanying change in public attitudes and commitments?*

LISTENING IN GOOD FAITH

Sometimes it feels like it was the most quixotic of enterprises, this listening in good faith throughout such a difficult and complicated and rapidly changing system. But the question—*Why did we do it?*—is far less important than why so many people agreed to so generously share their own experiences and wisdom with us.

Throughout the system there was a hunger to be heard in the way we were committed to listening, with an expressed intention to identify, to put ourselves in other people's shoes, to see us as much as possible through *their* eyes—and whether we could or not, to see *them* consistently in good faith. We all hunger for that kind of listening and seeing—but especially in the criminal justice system. Although we say that our criminal justice system is based on the presumption of innocence, the reality is that throughout the entire system there is a powerful and pervasive *absence* of that presumption that affects everyone—and an even more profound hunger *for* it.

There are truths and insights that are only possible with a presumption of good faith, ones that are crucial to creating a truly just correctional system, ones that invite us as a society back into safer, fairer relationship with one another. It may be that people like us, common citizens, called by something more implicating and transformative than simple curiosity, who can grieve and hope for *everyone* involved have a crucial role to play in this much needed re-envisioning.

When we think back on the many interviews we conducted, what is most striking is how *likeable* we found the people we talked with. This basic affinity crossed many viewpoints, stances toward criminal justice, levels of education, dramatic differences in life experiences. In an essentially adversarial system suffused with suspicion, this is actually remarkable. It is also important if we are to collaborate in healthy change.

We think our response had to do with a very specific quality of these interviews: We were listening to *identify*, to try to see how someone else understood themselves, their own actions and the purposes and impact of the criminal justice system. They were presenting themselves in their best light. They were being invited to join us in imagining positive change that took

their own experiences and their own visions of justice as of equal richness and value.

The impact on *us* of that commitment to listen in good faith was also important. It meant we couldn't disengage or diminish the importance of what we were hearing. We didn't, as we listened, have to judge, reconcile—or even figure out how *we* fit in. Our job was just to hold the person we were talking to steadily in attention. This stance we feel is crucial when we think about genuine reintegration. For the effect of this experience of likeability on us was to increase our *appreciation* of the diversity of viewpoints, our *resilience* in absorbing them—and our *hope* for better solutions as well. The *way* we listened humanized, qualified and tested our thoughts by bringing them into direct emotional connection with the experiences of *real* people, *real* fellow citizens. With this kind of listening we were creating a basket that could hold a wide range of complicated experiences, differing thoughts, strong preferences in a way that created an abundance of possibility, *not* chaos.

This appreciation is crucial if we want to engage in any consistent, long-term way with a system that holds the darkest dimensions of us as a society—from the conditions that create criminal behavior through the criminal justice system that does not, as yet, acknowledge the essential dehumanization we create if that system is not grounded in the possibility of full return. This experience of likeability is important because if we make someone radically, irrevocably different from us, it begins an insidious process by which we eventually dehumanize ourselves as well as them.

REENTRY STORIES

Why do we focus so much on stories in this book—and include so many from different people at different points in the criminal justice system? Because we *think* differently when we think in stories and this way of thinking may be better for the kinds of questions we face when we try to assess and address the harm we do one another. Stories help us *all* think in more nuanced, sophisticated and fluid ways about the many different causes and implications of our actions—the complexity of our motives, conscious and unconscious, the social assumptions and practices that constrain or compel us. When we talk abstractly about government or law or institutions or morals or religious belief, we can forget who made these abstract systems—and why. These systems came out of life, from people not that different from us, as attempts to address real life fears and needs—for meaning, order, safety,

connection—and must come back to those real life conditions to be tested, revised—or discarded. The best way to responsibly complete that circle, evaluate that categorical system, is often story.

When asked abstractly what punishment is appropriate for a crime, a jury will choose a punishment that is much harsher than the one they will choose in a trial, after listening to the different stories people are telling and bringing their own knowledge of life to bear. Differing expectations come to light. People can feel when the abstract categorizations of a law don't apply well to the particular harm that was done. Our sense of causality and choice can change too if the jury is diverse enough, enough experience is brought to bear. What we thought was obvious, universal, may not prove to be so. What may look like callous disregard may indeed be so—or it may be genuine ignorance, short-sightedness, a sense of invincibility, or fear and desperation. People may well begin to think beyond those simplistic categories of guilty or innocent to why and what next and eventual return.

The stories we share here are *reentry* stories—conceived and told from wherever in the system people were located at the time we talked with them. Everyone knew our concern was effective reentry after mass incarceration, and people talked with us because they wanted to reflect on the subject, on what made reentry difficult, what could make it more possible. Reentry stories are not retrospective, they are prospective. Their aim is to draw you into the teller's future, even if they explore a painful past to do so.

Only by being able to bear hearing the stories of people who went to prison—what they did, what they were charged with, what they experienced before prison and in prison, how it changed them, and what is required to come back and reintegrate—do we get a clear sense of how effective imprisonment is in creating a safer world for us. Telling those stories, having them heard by people with very different assumptions and life experiences, changes both the teller and the listener.

The same is true for offenders. Only by being able to bear hearing the stories of victims, prosecutors, family members, employers, and probation officers do offenders get a real sense of the pervasive and lasting social cost of *their* actions. This book is designed to increase listening on all sides.

When we say *the system is rigged* or *there is nothing I can do to change the situation* or *if you have the will, you will find a way*, we are telling a story. Actions flow from these beliefs, so do consequences. To meet people as they claim the story they are now living and, perhaps, begin to imagine a different

one, can change both their world and our own. It begins, as we said before, with a sense of possibility, of *inconclusiveness*. It begins with *How?* It begins with *What if?*

ORGANIZATION OF BOOK

We have chosen to focus primarily on the individual stories of people reintegrating after incarceration and also the experiences of people in community supervision because this is the area of the criminal justice system where the challenges of reentry and reintegration are most alive. Community supervision requires that officers constantly balance support and accountability. The temperaments and life experiences of people attracted to this work have a lot to teach us, as community members, about how we might approach reentry more realistically and resiliently. Their point of view is also crucial because as we move away from mass incarceration we run the high probability of moving toward mass supervision, which creates its own challenges. Indeed, Georgia is the state where this is already the condition—250,000 adults in Georgia were under felony probation supervision in 2018 (1 in 18 adults), a rate triple that of the still formidable rate of the nation as a whole (1 in 55). As community supervision populations continue to grow, we will need to see how this increased presence of criminal-justice-involved individuals in communities affects public attitudes toward reentry. Consequently, the experience of what we call holding communities is also central to understanding the challenge of reentry, beginning with families, peer support groups, chaplains, people providing housing, community reentry coalitions, and employers.

Finally, the current consensus on the need for criminal justice reform is affecting all the different areas of criminal justice, from police to prosecutors to judges to prisons as well as legislators, not always consistently or at the same pace. Our interest here is how an *assumption of return* applied at every step in the process currently modifies, or would modify, our approach to crime and punishment. In our conclusion we explore what we can do as common citizens to re-envision justice beyond the law in a way that incorporates return at every step. We also ask how our criminal justice system would change if, instead of focusing on protecting the privileges of the middle class, it oriented its laws instead toward protecting those most *vulnerable* to crime and to criminal behavior.

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DEDICATION

To the memory of Betty Hasan-Amin and to all the thoughtful individuals who have so generously shared their wisdom with us for this listening project.