Principles of Reentry

Reentry begins when an incarcerated person is released. Any work done prior to setting foot outside the prison gate is preparation.

People closest to the problem are closest to the solution. Formerly incarcerated people must be deeply involved with all reentry programs.

Help is what I need, not what you want to give me.

People need more than housing, education, and employment.

People need support. Reentry programs must be staffed with people who are invested in success.

People need opportunity. Reentry works to create space in housing, employment, education, and society.

People need community, friends, physical health, peace of mind, and love.

Reentry is not an extension of the criminal justice system. It does not involve heavy monitoring.

Reentry does not create unnecessary stress, or situations that can lead to re-arrest. It does not include punitive fees or overbearing conditions that can deepen poverty.

Reentry does not account for the masses of people on probation.
ADVANCING JUSTICE IN LOUISIANA: POLICY PRIORITIES

VOTING RIGHTS
FOR ALL PEOPLE LIVING IN THE COMMUNITY

Issue: Louisiana’s 1974 constitution allows the state to suspend voting rights for people “under order of imprisonment.” The legislature later defined that as people on probation and/or parole. The state is currently disenfranchising 45,000 people in prison and 70,000 people living in the community.

Solution: We filed VOTE v. Louisiana to debate the true definition of “under order of imprisonment.” We believe that the Legislature exceeded their power under the constitution, and that the Secretary of State and Governor are enforcing an unconstitutional law. We believe that every citizen living in the community should have a voice in the laws and people that govern them.

SENTENCING, BAIL, AND PAROLE REFORMS
CREATING MEANINGFUL OPPORTUNITIES FOR RELEASE

Issues: Most arrests result in either a dismissal of charges or a sentence of community supervision. While the bulk of incarcerated individuals are sentenced between ages 17 and 25, the backlog of prison populations is aging, ailing, low-risk, with spiraling medical costs. Three Strikes laws are costly and ineffective, particularly for older people whose extreme sentence becomes a death sentence. In addition, most probation and parole violations occur in the first year following release. This wastes resources and reinforces the burdens associated with incarceration.

Solutions: We must reform systemic issues with sentencing, bail, community supervision, Good-Time Credits, and parole, and apply them to all incarcerated individuals. Eliminating “held without bail” rules will provide quicker and more affordable release, easing the loss of jobs, housing, and relationships, thus keeping families together. We must ban mandatory minimums and end Three Strikes laws, instead making “deferment” a first option for first convictions. We believe in ending all life without parole sentencing, and creating one parole law requiring the parole board to eventually consider every incarcerated person.

BAN THE BOX
ON ALL JOB, HOUSING, AND EDUCATION APPLICATIONS

Issue: To support full participation in the community, people need employment, housing, and civic participation. Fair and reliable access to these three pillars creates stronger communities, yet people with criminal convictions face immense barriers to a genuine second chance.

Solution: The “previous felony convictions” checkbox is a type of discrimination we must remove from not only all employment applications — public and private — but also from applications for housing, education, volunteering opportunities, voting rights, and more.

SUPPORTIVE REENTRY PROGRAMMING
BASED ON THE EXPERIENCE OF THOSE WHO HAVE DONE IT

Issue: Approximately 17,000 people are released annually from Louisiana’s prisons. Trust and goodwill are essential traits to supporting successful reentry. Current programs are structured primarily around the monitoring reentry model which closely controls the movements and activities of a formerly incarcerated person. Parole officers with the power of imprisonment provide this supervision, which can be fee-driven and based on punishment.

Solution: Develop supportive reentry programs, which create a culture of positive reinforcement and provide opportunities from people with a personal stake in positive community building.
Who has the right to vote?
Louisiana Restores Voting Rights to 43,000 people on March 1st, 2019

Whose voting rights can Louisiana suspend? 110,000 people.
The 1974 Louisiana constitution guarantees all resident citizens, over 18, the right to vote. However, it carves out the option to suspend the right while someone is under an order of imprisonment for a felony conviction. The phrase “under order of imprisonment,” was first defined in 1976, and expanded in 1977. The state may suspend the rights of people in prison, on parole, or on probation for a felony.

Whose voting rights will not be suspended after a criminal conviction?
- All people convicted of crimes, not in prison, on parole, or on probation can vote. After any sentence is over, the state has no option to suspend voting rights. According to the Bureau of Justice Statistics, 1.7 million people are in the LA criminal records database.
- All people serving a misdemeanor sentence, even if incarcerated, can vote. The constitution only allows the option based on felony convictions.
- All people who fall under HB 265.

Whose rights did HB 265 restore?
The operative part of the new law carves out a group of people who will not be impacted by the state’s choice to suspend voting rights. This group is anyone, under order of imprisonment:

“who has not been incarcerated pursuant to the order within the last five years.”

The incarceration must be “pursuant” (or after) the order of imprisonment, parole, or probation.

At any given time, roughly 40,000 Louisiana citizens are on probation. All of them left the courthouse, and went home, following the judicial order. None of their voting rights will be suspended until after they are incarcerated, if ever. While many finish their probation terms with no incident, others do not. Upon violation, and sentence to incarceration, they will have their voting rights suspended. Because probation terms are under 5 years, such person will not have that right restored until they complete the probation (which is likely to be under 5 years), and are no longer “under an order.” At that point, all past incarcerations become irrelevant.

People on parole who have been out for five years will be able to vote. The DOC estimates about 3,000 of the roughly 30,000 people currently on parole would have their right un-suspended. The majority of people finish parole in shorter than five years, thus HB 265 would not apply to them. Nearly half of people on parole return to prison for a violation, nearly all of those people do that within the first year of release, under the pressure of finding food, clothing, shelter, a job, and happiness.

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1 That definition is on appeal to the LA Supreme Court, in VOTE v. Louisiana, 2017-CA-1141 (La. App. 1 Cir.).