SEYMOUR W. JAMES, JR.

A Fair Chance

This year, our theme at the State Bar is "Making a Difference." I consider it a privilege to be able to make a difference in people's lives through my work at The Legal Aid Society, by ensuring that our clients receive the quality legal representation they deserve. But the difference that I and other lawyers are able to make should extend far beyond achieving a favorable outcome in the courtroom.

Every year in New York State, tens of thousands of people are released from our correctional facilities; even more people are arrested and put through the criminal justice system. For individuals who have experienced arrest and incarceration, there are many circumstances and experiences – spanning from the time of their initial arrest until their eventual release from prison – that can have an enormous impact on their ability to reintegrate into their communities. In turn, problems with reentry can lead to recidivism, unemployment, homelessness, untreated substance abuse, mental and physical health issues, family disruptions and various other negative consequences that harm our society.

Individuals who have been released from incarceration often lack the resources they need to find appropriate housing, and they may face discrimination as they seek a place to live. They may experience difficulty accessing public assistance benefits to help them bridge the gap from incarceration to productive participation in society, and they may have substance abuse and physical and mental health issues that require special attention. Newly released prisoners with mental illnesses and physical disabilities are often discharged to their communities with no supportive services. For some, a task as simple as obtaining proper identification can prove to be an insurmountable obstacle. Former prisoners regularly encounter these problems; sadly, it is no surprise that up to two-thirds of the individuals who are released from our prisons and jails each year are rearrested within three years.

Problems with reentry not only affect reentering individuals but their families and communities as well. Despite the fact that maintaining family relationships is critical to positive reentry outcomes and the survival of the family unit throughout incarceration, current policies erect tremendous obstacles for family members to maintain contact with loved ones. Additionally, much of the prison population comes from geographic areas without proper prison facilities, with the result that significant numbers of young people are taken out of their communities and put into prisons some distance away, creating ripples in the economic and social fabric of their communities that are felt for generations to come. New York State has taken some first, tentative steps in implementing smart-on-crime laws and policies. It's time to learn to walk in earnest.

In order to address these concerns from a legal perspective, we have established a Special Committee on Prisoner Reentry. The Special Committee will explore a number of ways that we, as attorneys, can help to address this growing problem. It is often said that quality employment is a primary factor in whether a formerly incarcerated person will successfully reintegrate into society and avoid re-arrest. Education – for people while incarcerated as well as to discourage discrimination by the members of the community to which these people will return – could go a long way to improve results for those individuals who leave our prisons and jails each year. There may also be legal reforms that could further prevent discrimination in housing and employment, and policy changes that could provide additional education and training, as well as assistance with accessing public benefits, to people before they leave a correctional facility. Attorneys from the prosecution and criminal defense bars, as well as those engaged in the provision of civil legal services or pro bono, in collaboration with the law enforcement community and various human service agencies and non-profits, can all play an important role in helping to achieve successful reentry.

It is critical that we address these prisoner reentry issues – not only because it is the ethically appropriate way to treat offenders in our rehabilitative justice system, but also because it could reduce the significant social costs of recidivism and enhance public safety. Former prisoners who become productive members of our society

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are better able to help support their families and avoid the need for public assistance. Successful reentry reduces the likelihood of re-offense, making the community safer and decreasing the extensive costs associated with further incarceration.

After former prisoners have "paid their debt to society," it is essential that we make sure they have a fair chance to rebuild their lives and reenter their communities. To the extent that we are able to reduce recidivism and support successful prisoner reentry, we will enjoy a safer, more just and more productive society. With better laws and support for reentry services we can improve not only the lives of individuals, but their families, communities, and the state. I look forward to the results and recommendations of the Special Committee on Prisoner Reentry, and I am confident that we will provide a valuable legal perspective in this critically important area. ■

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