

REMARKS

OF

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AT THE

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ON

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Good morning. Thank you to the American Bar Association (ABA) for hosting this event - it's so exciting to be part of this 1st National Summit on Collateral Consequences. I bring greetings from the Attorney General and Karol Mason, our Assistant Attorney General at the Office of Justice Programs. They certainly share our interest in this work, and are so appreciative of your efforts that continue to move the field forward.

I also want to recognize Nancy Rodriguez, the new Director of the National Institute of Justice (NIJ), who is here today. As you may know, Nancy is acutely interested in - and knowledgeable on - this issue, and I know she looks forward to connecting with this project - and with all of you - in the coming months.

We - as a field - have come so far over the last 15 years in bringing to light the thousands of "invisible punishments" that follow individuals long after their arrest or incarceration. Legal advocates and scholars like Marc Mauer, Jeremy Travis, Margy Love, and many others helped to lay the groundwork for us. And with the launch of the National Inventory [of Collateral Consequences of Conviction], the ABA has made public - and accessible - some 45,000 legal and regulatory penalties, sanctions, and restrictions that are distinct from the direct consequences imposed as part of the court's judgment at sentencing. This has huge implications for defendants - and for policy that could help reform our field.

We owe our colleagues at the ABA a debt of gratitude for taking on this formidable project. I remember when NIJ issued the solicitation to build this inventory - I was at a research organization and we - briefly - considered applying to the competition. I mean, we cared about reentry, incarceration, and the penalties attached to a criminal record. Yet, we could see this was a massive undertaking, requiring a fleet of legal analysts and a dogged determination to build something that had never been built before... And it would need to be user-friendly, sortable, updatable - and constantly updated. It was a tall order.

And so now, from my perch at the Justice Department, I extend a whole-hearted thank you to the ABA - for taking this on and providing the field such an important and unique tool.

The creation of this tool was funded by NIJ and it surely holds important research opportunities. But the Inventory is also a practical tool that can inform the decisions - today - of judges, lawyers and defendants. There are so many lives at stake here...

One in three U.S. adults has an arrest record, mostly for relatively minor, non-violent offenses, and sometimes decades in the past. The long-term- sometimes *lifetime* - impact of a criminal record will keep many people from obtaining employment, accessing housing, higher education, loans, and credit - even if they've paid their debt to society, turned their lives around, are qualified and are unlikely to reoffend.

At the same time, research sponsored by NIJ [Redemption study by Al Blumstein and Kiminori Nakamura] shows that people who stay out of trouble for just a few years are largely indistinguishable from the general population in terms of their odds of another arrest.

Of course, individuals need to be held accountable for their actions. As Senator Leahy stated at the launch of the National Inventory, "There should be serious consequences for criminal activity... [but] most of those convicted of crimes will return to our communities, and we should be doing everything we can to give them the skills and opportunities they need to reintegrate successfully, rather than returning to a life of crime. That is the right thing to do, and it makes us all safer."

So at the Justice Department, we believe there are substantial opportunities to simultaneously hold people accountable, improve public safety, and to help motivated individuals - who have served their time and paid their debts - to compete for a job, attain stable housing, support their children, and be productive, contributing members of our communities. Not only are these things not mutually exclusive - they actually go hand-in-hand. By helping justice-involved individuals succeed, we improve public safety.

This commitment stretches across the Obama Administration. More than 20 agencies are working together as part of the Federal Interagency Reentry Council to reduce the broad set of collateral consequences -- barriers to employment and education, health and housing, among others.

Attorney General Holder has personally championed this cause. He's written to every state Attorney General, asking them to assess their state's statutes and policies to determine if any should be eliminated "so that people who have paid their debt to society are able to live and work productively." The Attorney General pointed to the *National Inventory* as a useful starting point for this important task.

And one year ago this month, the Attorney General delivered a powerful 'call to action' on felony disenfranchisement, which keeps one in every 13 African American adults from voting. In the words of the Attorney General, "What is clear - and abundantly so - is that these laws sever a formerly incarcerated person's most direct link to civic participation. They cause further alienation and disillusionment between these individuals

and the[ir] communities... And particularly at a time when our prisons are overflowing - and many who are serving sentences for nonviolent drug crimes find themselves trapped in a vicious cycle of poverty and incarceration - it is counterproductive to exclude these individuals from the voting franchise once their involvement with the corrections system is at an end.”

While we have a long way to go here, many states have answered the broad call for reform and the momentum is encouraging. A recent report by the Vera Institute of Justice found that over the last 5 years, 41 states enacted 155 pieces of legislation to mitigate at least some aspect of collateral consequences.

The Attorney General also asked Reentry Council agencies to review our regulations with an eye to how and where certain barriers can be eliminated, or tailored, without compromising public safety. The Justice Department’s Civil Rights Division coordinated this cross-agency effort - a review of hundreds of regulations across 12 agencies. While the vast majority of regulations were deemed appropriately tailored to their purposes, some changes have been proposed and others are currently being considered internally at their agencies.

I’ve brought copies of our “Collateral Consequences Snapshot” which lays out the specifics, but I’ll touch on a few highlights.

In the employment arena, the Equal Employment Opportunity Commission, the Department of Labor, and the Office of Personnel Management have all taken actions to amplify and clarify good hiring policy for those with arrest or conviction histories. More recently, the Small Business Administration proposed to amend their eligibility rules for a MicroLoan, so that people on probation and parole are not automatically excluded.

Just this week, the Department of Health and Human Services announced plans to examine the barriers faced by individuals with a criminal record who are trying to enter the healthcare workforce. And DOJ’s Bureau of Justice Assistance is currently seeking a “Second Chance Fellow” - someone who can bring to the job both their professional expertise and their personal experience as a formerly incarcerated person. This position will advise the Second Chance programs and the Reentry Council. [This is a competitive opportunity through our Visiting Fellows program- and applications are due April 2.]

Another exciting development is a forward-looking policy, introduced by the Attorney General at the ABA’s 2013 Annual Meeting, when he announced the Smart on Crime Initiative. As part of this effort, the Attorney General issued a memorandum directing leadership across the Department to take collateral consequences into account when proposing any new regulation or guidance.

This policy is so important because it institutionalizes collateral consequence reviews moving forward.

I want to pause here and acknowledge Jim Cole, our former Deputy Attorney General, who played a huge role in the design and implementation of Smart on Crime. He was also a personal champion of our reentry efforts - his leadership on these issues paved the way for so much of the progress you're hearing about today.

I also want to share with you some of the important inroads we're making on the legal services front. As you may know, the White House and Justice Department launched a Legal Aid Interagency Roundtable to raise awareness about the profound impact legal aid programs can have on the myriad issues we're discussing at this Summit.

As a result of this collaboration, several large grant programs - such as the DOJ Second Chance grants and DOL Reintegration of Ex-Offender grants -- now allow for the use of federal funds to pay for legal assistance to expunge criminal records, secure driver's licenses, modify child support orders, and litigate inappropriate denials of housing or employment and violations of the FAIR Credit Reporting Act.

We are expanding on this commitment with new resources too. Using Second Chance Act funds, DOJ's Office of Juvenile Justice and Delinquency Prevention (OJJDP) provided the Department of Housing and Urban Development (HUD) with funding to implement a Juvenile Reentry Legal Assistance Program with Public Housing Authorities (PHAs) in partnership with legal assistance organizations. The program will primarily focus on the expungement and sealing of juvenile records, as well as provide other civil legal services. And we continue to explore new opportunities that will broaden access to legal services along these lines.

Finally, we will work with ABA and others to create practical tools that build on the National Inventory. Eric Martin from NIJ - who's here today and has shepherded this project for years - is working closely with the ABA to develop a bench book to assist judges in explaining to the accused the existence of collateral consequences prior to the entry of a plea. We seek to help judges, prosecutors, defense attorneys, and the accused understand the full spectrum of sanctions that a conviction entails.

Earlier this week, President Obama spoke to governors about the great opportunities for criminal justice reform. He celebrated the fact that last year, for the first time in 40 years, both the incarceration and crime rates went down together. The President spotlighted states - both red and blue - for making bold changes in their justice systems. In Connecticut, for example, Governor Malloy recently announced proposals to create a "Second Chance

Society.” And Georgia was highlighted for bold front-end reforms. Georgia also - just this week - became the first Southern state to Ban the Box.

It is a time to be optimistic about what’s possible. It is a time for us to learn from one another. And it is a time to get things done.

I look forward to the rest of this Summit, to hear your stories, your lessons, and your ideas... so that we can continue to work together to promote reforms that are fair, that are just, and that lead to safe, healthy, and strong communities.

Thank you.

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