

DC PROJECT CONNECT FAMILY HANDBOOK:

Surviving a Loved One's Incarceration

What to do when a loved one goes to prison

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DC Project Connect

Incarceration Hurts . We Foster Healing
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DC PROJECT CONNECT FAMILY HANDBOOK:

Surviving a Loved One's Incarceration

What to do when a loved one goes to prison

BY GEOFFREY A. JOHNSON

DC Project Connect Family Handbook |
Surviving a loved one's incarceration

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2. Family & Relationships/ Incarceration/Grief and Loss/Coping

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INTRODUCTION: SURVIVING A LOVED ONES' INCARCERATION



How do you respond when the telephone rings in the early morning hours from the jail? What options do you have for obtaining legal counsel? Or, if a loved one is already incarcerated, can anything be done if he/she suffers ill-health?

These questions are just a few of the typical inquiries received from concerned family members who have contacted D.C. Project Connect for support. In many cases family members have been “close to the edge” wondering what, if anything, could be done to assist their arrested/imprisoned loved one. While talking family members off the proverbial ledge, D.C. Project Connect recognized that knowledge is empowering.

Therefore, we have endeavored to create this handbook to serve as a user-friendly resource for legal processes and terms associated with the criminal justice system, with a specific focus on assisting families in Washington D.C. However, general guidance can be used in other jurisdictions as well.

WHO WE ARE

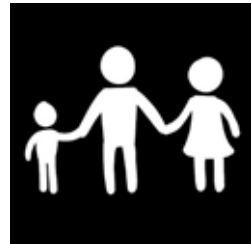
DC Project Connect, a nonprofit 501 (c)(3) organization, advocates for families of the incarcerated and provides several pro bono services for adversely affected children and families. While there are other more extensive resource and reference guides, e.g. the District of Columbia’s Public Defender Service, Directory of Adult Services: Community and Confinement Access Guide,

DC Project Connect has endeavored to develop a handbook to address frequently asked questions by family members and provide pertinent information concerning the various components of the D.C. and federal government, as well as legal, legal entities, mental health, and social services providers that operate in the Washington D.C. area.

While there is a tremendous focus on various reentry strategies, DC Project Connect contends that supportive family accounts for the single most effective strategy for imprisoned and returning citizens. As such, DC Project Connect holds that strong familial ties can assist with positive behavior while individuals are incarcerated, as well as with a successful transition for returning citizens' economic and social challenges. In this regard, we endeavor for community and governmental collaborative efforts to strengthen and support families of the incarcerated.

For our part, DC Project Connect offers the following services:

- operates a crisis intervention via website,
- provides grief support and symbolic imprisonment recognition training to affected families
- disseminates literature for children, and
- collaborates with a Residential Reentry Center to mentor female citizens.



While it is generally accepted that everyone makes mistakes; statistically, young black men in general, (especially in the District of Columbia) are more prone than any other demographic group to be affiliated with the criminal justice system. Current rates in DC are consistent with trends captured by the Bureau of Justice Statistics (2012), which cites that one in three black men

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can expect to go to prison during their lifetime. Furthermore, recidivism statistics are equally bleak and frightful.

HOW TO USE THIS HANDBOOK

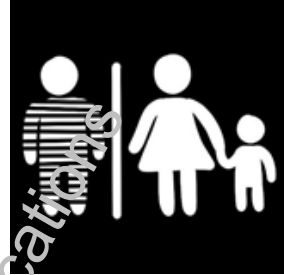
DC Project Connect has assembled basic information about the D.C. criminal justice system and the various governmental and non-governmental services that exist to assist families with incarcerated loved ones. While this family-friendly guide will not address all scenarios, criminal justice processes, or functions, we hope to empower families with basic need-to-know (or at least, need-to-consider) information. Although a thorough reading of this handbook would be useful for making decisions, specific topics can be found via the table of contents by page number.

WHAT THIS HANDBOOK CONTAINS

This handbook will walk you through the major facets of the District of Columbia's criminal justice system. Notes, or matters of consideration, are included for families to better understand the dynamics of specific stages of the city's criminal justice processes. Although few or no resource material can cover all aspects and scenarios associated with arrest, trial, incarceration, and court supervision, the enclosed material can enlighten families and friends about the offices and players, as well as situations and dialogue that you may encounter. Based upon frequently asked questions in DC Project Connects own crisis hotline and website, the following topics are addressed:

- Offices and Agencies involved in the DC Criminal Justice System

- Types of Crimes
- Factors involved in an Arrest
- Arrest & Search Warrants
- Police Booking
- Jail Time
- DC Superior Court
- Formal Charges & Arraignment
- Attorney Responsibilities
- Evidence
- Preliminary Hearing
- Sentencing
- Preparation for Imprisonment
- Non-Incarcerated Parent Assistance
- Incarceration
- Parole & Correctional Supervision



ABOUT THE AUTHOR



Before co-founding DC Project Connect with my partner and spouse, Dr. Avon Hart Johnson, I was dedicated to detecting and preventing fraud, waste, and abuse both domestically and overseas. I accumulated a wealth of knowledge about the criminal justice system, serving over 30 years as a Special Agent (criminal investigator) and program and forensic auditor. During my last tenure, as the Assistant Inspector General for Investigations at the Peace Corps, I directed over 1,300 investigations and saved taxpayers over \$4 million. In that capacity, I oversaw investigative activities involving allegations of embezzlements and other white-collar crimes

involving Peace Corps programs and operations, as well as violent crimes against Peace Corps Volunteers. In addition to managing and conducting criminal and administrative investigations, I was a Big Brother; taught life skills and GED training to DC residents at a nonprofit organization in the District; and I served as a Court Appointed Special Advocate for youth in the foster care system. I am a native Washingtonian who received both an undergraduate and graduate degree from Syracuse University and pursued a Ph.D. from Howard University before acquiring a Doctorate of Humane Letters.

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CHAPTER I.

D.C. CRIMINAL JUSTICE SYSTEM OVERVIEW

“My son was arrested in Anacostia Park by (U.S.) Park Service Police for drinking alcohol in public. Can the Park Service make arrests in D.C.? Aren’t they part of the Federal Government?” ~Angela

AGENCIES AND OFFICES INVOLVED IN THE DC CRIMINAL JUSTICE SYSTEM

As a former federal criminal investigator, I believe you should be aware that there is a huge web of law enforcement that surrounds the Nation’s Capital. A U.S. Government Accountability Office report commented on the complexities of the D.C. Criminal Justice System:

“In D.C. over 30 law enforcement agencies other than the Metropolitan Police Department of the District of Columbia, such as the U.S. Capitol Police and the U.S. Park Police, may make arrests for crimes committed within D.C. However, MPDC makes a large majority of arrests in D.C.”
[GAO: “D.C. Criminal Justice System: Better Coordination Needed Among Participating Agencies” (2001).]

Family members should recognize that the District of Columbia criminal justice system includes numerous agencies and offices that monitor individuals from arrest through their release via correctional supervision. An abbreviated list of these entities includes the following:

- Metropolitan Police Department
- Office of the Attorney General for DC
- Department of Corrections
- Office of the Chief Medical Examiner
- Office of the U.S. Attorney for DC
- Superior Court
- DC Pretrial Services Agency

- D.C. Defender Services
- Federal Bureau of Prisons
- U.S. Marshal Service
- U.S. Parole Commission



As noted from the aforementioned quotation, the DC criminal justice system is complex and typically involves coordinated interaction between various District and Federal entities and their representatives. These officials may include, the police, medical officials, criminal analysts, bailsmen, prosecutors, attorneys, court and correctional officials, and parole figures.

CHAPTER 2.

TYPES OF CRIMES AND CONSIDERATIONS

“My spouse was serving time in [Petersburg] Virginia and then he was moved to North Carolina. Going to see him in Virginia was hard enough, but when they moved him to Butner, wow, the distance nearly doubled. Is selling weed so bad that it deserves a ten-year sentence?” ~Sarah

As noted in the quote above, the Petersburg Federal Corrections Institution (FCI) in Petersburg VA., is located approximately 130 miles from D.C.; and the Butner FCI, located in North Carolina, is over 240 miles away from D.C. According to the D.C. government’s Corrections Information Council (2013), more than 70 percent of the total number of D.C. residents in the U.S. Bureau of Prison custody (approximately between 3,400 and 5000 individuals), were located in prison facilities within 500 miles of the District of Columbia.

A generally unspoken piece of legislation entitled the DC Revitalization Act, significantly changed criminal justice dynamics for D.C.’s citizens in the late 1990s. With the enactment of the DC Revitalization Act (officially called the National Capital Revitalization and Self-Government Improvement Act of 1997), three striking factors occurred:

- (1) DC Code Offenders, for all intent and purpose, are treated as federal prisoners and are under the control of the federal government;
- (2) District of Columbia government no longer had a prison; the Lorton prison facility closed in 1999; and
- (3) DC Code Offenders serve their prison sentence in one or more U.S. Bureau of Prison facilities, which are located in more than 100 areas across the country, in states as close as Maryland, and as far away as California.

TYPES OF CRIMES

“Crime” is generally defined as some type of activity that breaks or breaches a law and may involve injury or harm to another person or entity or be deemed a threat to society. While the nuances of offenses in Title 18 of the U.S. Code (federal) and Title 22 of the D.C. Code are hardly simplistic, for the sake of discussion, crimes broadly fall under the categories of misdemeanors and felonies:

Misdemeanor Offenses are less serious crimes. For example, D.C. Courts may include offenses such as disorderly conduct, aggressive panhandling, possession of an open container of alcohol, drinking or urinating in public, as misdemeanor crimes. These offenses are typically prosecuted by the Attorney’s Office and adjudicated in the D.C. Superior Court. Based upon the nature of the misdemeanor crime, a person can be convicted and fined, or sent to jail for less than a year. However, in some instances, misdemeanor offenses result in court orders to perform community service or other forms of restitution, correction, or penalty.

Felony Crimes: The Bureau of Justice Statistics notes that felony crimes are deemed graver or more serious offenses than misdemeanors. Felonies include manslaughter, burglaries, illegal drug use and/or distribution, spousal abuse, and sexual crimes, such as rape. Because of the severity of felony crimes, convicted perpetrators are often sent to prison to serve sentences of a year or longer. Serious felonies, like acts of terrorism or mass murder, can result in life in prison or the death penalty. Felony crimes can also have other consequences, such as limit your ability to possess or carry a firearm, vote in elections, or serve jury duty.

There are more complexities to these two types of crimes and the definitions presented. For example, crimes that are repeated, or that are committed along with other infractions or violations of law, may

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be viewed as more consequential by law enforcement officials and the court. Case in point, a person may be stopped for a speeding violation, and the police or arresting official may notice that the driver was talking on a cell phone (without a hands-free device), or is drinking alcohol while driving. Likewise, while robbing someone is a felony crime, doing so with a gun or firearm is deemed a far more serious matter.

A Criminal Defense Lawyer publication noted that in most states, lawmakers designate each crime by class, such as a Class A misdemeanor or a petty misdemeanor, and the sentence is set through a range of possible variables included in the particular class:

“In the District of Columbia, lawmakers fix punishment on a crime-by-crime basis. For example, theft of property worth less than \$1,000 is punishable by up to 180 days in jail, a fine of no more \$1,000, or both a fine and jail time.” [Title 22 of the D.C. Code]

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CHAPTER 3.

ARREST AND CONVICTION

“My man was at a club in downtown D.C. A fight broke out between some guys and the police mistakenly arrested him, but he said he wasn’t involved. He might lose his job if he isn’t released before Monday. Is there anything I can do? ~Brenda

ARREST

Per, most accounts of family members who contacted the DC Project Connect hotline, arrests are usually a rude awakening for both the arrestee and his/her spouse and family. Even routine, nonviolent arrests can leave indelible images on the individual and his/her family. Whether hearing about an arrest by a phone call from the police station, or from a neighbor or family member, or the media, arrests can evoke shock, sadness, and require quick evaluation of matters like finances, and/or filling gaps of household responsibilities, employment considerations, and other dynamics.

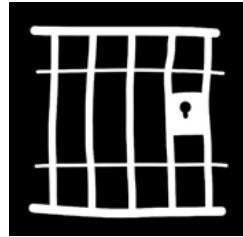
Note: An arrest is generally defined as an action taken by police or law enforcement personnel whereby a person suspected of a crime is taken into physical custody. During an arrest, individuals lose the freedom to conduct their normal or chosen activities and they cannot leave police custody generally until matters are formally resolved.

As a result of an arrest, spouses and families are forced to deal with the physical, involuntary separation of their loved ones. An arrest may also result in a loss of support and security and family income. For example, spouses and extended family members, e.g. grandparents, may face the responsibility of taking care of the needs of children and other dependents.

Note: Arrest is often considered the first official phase of the criminalization process. Upon entering jail or prison the arrested individual is placed and locked behind holding facility bars and he/she becomes an inmate or prisoner. This state of affairs often has physical and psychological repercussions on both the individual and his/her family.

POST ARREST

Via D.C. Court information, when someone is arrested the prosecutor may file one or more of the following types of charges: felony, misdemeanor, (either D.C. or the federal government) or criminal traffic. In continuance of matters discussed in the previous chapter, U.S. misdemeanors (versus D.C. misdemeanors) are generally more serious charges and are prosecuted by the United States Attorney's Office. Felonies and U.S. misdemeanors are referred to as federal court matters. The defendant can then be:



- Released on Citation and given a future date to appear in court. The defendant is required to sign a form acknowledging his/her court appearance requirement.
- Released on Bond, which is imposed to ensure that the defendant appears in Court
- In contrast, if someone is arrested in D.C. for certain traffic and some lower-level criminal offenses, the D.C. law can allow the defendant to post money and forfeit the collateral rather than having to appear in court, thus waiving his/her right to a trial. Per the courts, posting and forfeiting money in this regard is not an admission or adjudication of guilt.

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Note: Family Arrested.com provides complimentary considerations and support for families of offenders. "I think parents, families, and spouses who become offenders can have a difficult time grieving over the loss of expectations, as people who lose a loved one to death. [However] If your loved one died, the community of your family and friends would come to your support with hugs and casseroles of food, prayers, and cards. [In contrast] If your loved one goes to prison or jail, the neighbors don't know what to say. Many times, the community lays blame on the family of the offender. Children [may be] taunted in school about their offending parent; parents [may be] shamed and blamed for raising a [criminal]."

ARREST DOES NOT EQUATE TO GUILT &/OR CONVICTION

Family members and loved ones should not lose all hope because of an arrest. Being arrested means that an individual is suspected of committing a crime; however the arrest does not mean that he/she is necessarily guilty of the suspected crime. To be found guilty, a person has to generally either admit their guilt or go to trial (in court) over the matter for which he/she was arrested.



A criminal conviction can have cascading consequences on the individual and is/ser family. For example, individuals arrested on public housing property are likely to forfeit their eligibility to receive public housing benefits. Likewise, if the leaseholder was not involved in the crime but was aware of criminal activities on the premise, he/she may lose eligibility to receive public housing benefits.

Furthermore, certain occupations/professions require employees to have licenses, certificates, or registrations. A criminal conviction can bar a person from eligibility from certain positions of trust or disqualify persons from being able to pass employment background investigations.

Note: Unfortunately, a person's adult criminal history may remain a permanent part of his/her record. When possible, Returned Citizens should explore having criminal matters expunged or sealed.

REQUIREMENTS FOR AN ARREST

Requirements for an arrest vary. A police officer can arrest someone if he/she sees them commit a crime. However, many crimes are also reported to the police. As such, a person can be arrested by the police if they are suspected of committing a crime or assisting in a crime. In these matters, a judge or magistrate will issue an (arrest) warrant which gives the police or law enforcement officials the right to apprehend the suspected individual. Police can also arrest someone without a warrant; however, they must have "probable cause" or "reasonable suspicion" to do so. These terms are somewhat complex, but they generally involve the following conditions:

- Probable Cause is addressed in D.C. Code 23-581. Police or law enforcement officials can arrest an individual without a warrant under certain conditions, including, the police have some sort of objective evidence that a person is associated with, or has committed a crime. For example, if police find an individual in possession of stolen merchandise and/or his/her clothing, tattoo or other descriptions match the information provided by a witness or the victim of a crime, police can make an arrest based upon probable cause.

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- Reasonable Suspicion is of less evidentiary value than probable cause. Police can also use “reasonable suspicion” to detain or stop an individual (as deemed appropriate, a search or frisk may also be applied). In theory, when using reasonable suspicion, police must have evidence that is more than “a gut feeling” that the person has or is about to commit a crime. Oftentimes this requires the law enforcement official’s ability to provide “specific and articulate-able facts” for the detention.

Note: The Metropolitan Police regulations permit the “stop-and-frisk” or pat an individual down without a warrant if they have reasonable suspicion that he/she possesses drugs or a weapon or other contraband (e.g. stolen merchandise).



Concerning entering and searching a car, police are extended “plain view” consideration which entitles them to take into count their visual inspection of a vehicle to assess whether possible evidence of a crime exists (e.g. an open container of beer or alcohol, or perhaps a firearm) and warrant their interference. These matters should be discussed with an attorney.

SEARCH WARRANTS, SEARCHES, AND SEIZURES

Most local police and federal law enforcement officials have [statutory] authority to carry a firearm, execute arrest warrants, make arrests without warrants, execute search warrants, and seize evidence of a crime; however, a “legality and threshold” for such actions must be met for an arrest to be considered lawful. For example, even though most police and law enforcement officials have the authority to execute a search warrant, they must adhere to the following terms. Failure to adhere to these restrictions can render the evidence seized to be impermissible in court:

- All searches of a resident of the District of Columbia must be reasonable. To ensure that such acts are reasonable, searches generally require a valid court warrant, that specifies, the day, time, address, suspect's name, and evidence that is sought.
- Police and law enforcement officials have a responsibility to execute search warrants in a manner that minimizes the destruction of property. As such, if the entry to a premise must be gained by force; the force employed should only be what is necessary and reasonable. Likewise, the destruction of any property should be kept to a minimum.

As a safeguard to this law enforcement authority, the Fourth Amendment protects citizens and their belongings from unreasonable searches and seizures. So again, law enforcement, when possible, should obtain a search warrant to enter and search property. The failure to do so should be discussed with an attorney to ensure adherence to the law.

Note: Ordinarily, to arrest someone at their home, police need either a warrant or a person's consent. This also applies to police requests to search a resident/home. Per the Fourth Amendment, individuals can deny police the right to enter their home if they do not have a valid search warrant. Also, see Constitutional Correctness discussed below.

In summary, to make a valid arrest, the police must firmly establish that they had valid probable cause to do so. Likewise, when making an arrest, the police should only use force when is necessary. Any force used by police must be justifiable.

When someone is arrested, the police can search that person for evidence related to the alleged crime. Police can also search the area immediately surrounding that individual, essentially the area that is

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within arm's length. The police can take anything they find that they think may be of evidentiary value and establishes an individual's guilt. Usually, if the police do not have a warrant, they will seek or ask for a person's consent to search that individual. If the consent is given, that individual essentially waives their fourth amendment rights, and any evidence found during the search can be used against him/her in a court of law.

As previously noted, the Fourth Amendment protects citizens from unreasonable searches and seizures sometimes associated with warrantless searches performed by the police. However, there are instances when a warrantless search can be conducted legally even against a person's will. For example, a judge can uphold a warrantless search of someone's home if the police believe someone inside the house is in imminent danger, or a suspect in the house is about to escape, or someone is about to destroy evidence pertinent to a crime. Following an arrest, police must file a formal complaint with a judge or magistrate. [See Booking Section Below]

Note: On January 16, 2015, Newsweek published a story entitled, "Jump-Outs: D.C.'s Scarier Version of 'Stop-and-Frisk.'" The article noted that 'jump-outs' became a notorious D.C. police sting tactic during the 1980s open-air drug era. Although this era has passed, residents apparently still yell "jump-out" when undercover police are suspected in certain scenarios. Although such tactics have been denied to exist by the MPD, the article points out that the American Civil Liberties Union and community activists correlate this with racial profiling by police that targets people of color. While each arrest would need to be reviewed on a case-by-case basis to determine bias versus legitimacy, according to the Washington Lawyers' Committee for

Civil Rights and Urban Affairs, between 2009 and 2011, 8 of 10 adults arrested in D.C. were African American.

BOOKING

After someone is arrested, the police will take that individual to a police station near or in the vicinity of the arrest to be “booked.” At booking, a suspect’s identifying information is obtained by police and he/she is photographed and fingerprinted.

Suspects are often placed in jail until booking is complete. Although suspects are entitled to be booked within a reasonable amount of time, if the arrest takes place near or during the weekend, suspects may be held over the entire weekend at the District’s Central Detention Facility.



Oftentimes, depending on the crime, during booking a suspect will be asked to provide samples for such things as handwriting, DNA (blood/saliva), urine, voice, etc. The law views such physical samples as part of the suspect’s identity, however, in theory, collected samples may violate an individual’s Fifth Amendment rights. Therefore, whenever possible, an individual should contact their attorney before providing these types of requested samples.

During booking, an individual is also required to turn over all their personal effects to the police. The police should perform a written inventory of these items. Collected items might include a watch, wallet, and jewelry.

At this juncture and depending on the nature of the crime, the District

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of Columbia police may assign a detective or investigator to your case. If assigned, the detective will initiate a search for additional evidence and interview potential witnesses to strengthen the pending case against the suspect.

After being booked, an individual must be formally charged with a crime to move the process forward. How someone is charged depends on many factors including whether they are arrested for a misdemeanor or a felony crime, as well as a prior infraction with the law. Formal charging generally occurs within 72 hours.

Court Services & Offender Supervision Agency is responsible for the management of parolees, probationers, and court released supervision cases. Individuals under CSOSA oversight may be regularly tested for drugs and needs, depending on physical health, employment history, education level, and a host of other factors. For example, persons may receive referrals for alcohol, drugs, or counseling services depending on past behaviors.

DC offenders (aka DC Code Offenders) with sentences of a year or less are assigned to the DC Department of Corrections (DOC). Persons sentenced to a year or more are discharged to the (federal) BOP. Also, the courts permit some offenders to remain in the community until the Bureau of Prisons (BOP) finds a prison facility. Such cases are often associated with "voluntary surrender" designations.

As noted, an individual's time in CDF detention is dependent on several factors. An individual may be arraigned and released from court on their recognizance for misdemeanor and minor crimes. This means he/she does not have to post bail. When this occurs, the court essentially trusts the individual to appear before the court in an upcoming trial. In such cases, the individual will sign paperwork promising to do so. In previous periods, this release was dependent on posting bail, in which

money or property is deposited with the courts to secure release before trial. The courts have largely eliminated bail posting practices but will consider the seriousness of the alleged crime, danger to the community, flight risk, and criminal history.

Since most arrests are not planned, obtaining bail money was considered a financial burden and possibly wreak havoc on a family's cash reserves. The family should understand that the entire bail amount can be forfeited if the defendant (family member) does not appear in court. As such, some defendants remain in jail because of the family's inability to raise the required bail amount. Other aspects of arrest can also be costly, including obtaining a private attorney to represent the arrested party.

Note: Bond requirements are rare in the District. Generally, arrestees are either held or not held. If they are on parole or supervised release or probation, they will usually be held or be detained. However, as stated above, if the crime is serious or involves significant violence and/or the individual is deemed a possible threat to the general public or a flight risk, he/she will be held and no bail will be offered. There are very few instances when someone remains in jail due to an inability to pay a fine.

While in detention, here are a few things to consider:

- The arrestee does not have a Constitutional right to make a phone call from jail, however, one phone call is often allowed. This telephone has to be "collect," which places a responsibility on the family or respondent to accept the call. Because calls from jail are limited, these calls should be made to individuals that can aid and assist the arrested individual. Note: verify the recent rules on the jail's website.

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- Do not assume that the phone calls made from the central cellblock are confidential. In fact, assume that all calls are or may be recorded and the content of the discussion may be used against the individual in court. The sole exception might be calls made to an attorney. However, even these discussions should not include details about the alleged crime(s), including a person's presumed guilt or innocence. These matters should only be discussed in the physical presence of an attorney.
- Assume that your arrest, booking, and time in the central cellblock are videotaped. Be careful how you behave and don't discuss the details of the alleged crime or arrest with anyone including other persons jailed who might appear to be in a similar plight and empathic or otherwise interested in the details of your crime or arrest. Act under the assumption that anything said might be used against you during trial.

Note: Arrested family members should be cautioned to refrain from talking about their plight (e.g. alleged crime, arrest, persons involved, location, timeframes, etc.) to other arrested individuals, doctors, clergy, or even family members or their spouse.

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CHAPTER 4.

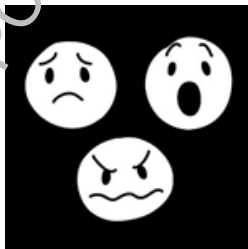
PRESENTENCE INVESTIGATION

“At first, all of my neighbors wanted to talk about what happened, but, I just wanted to stay to myself. This unnecessary small-talk continued for days, but it felt like months. Then someone told me that the police, lawyers, or somebody have been asking questions about Doug. I am afraid for what they might say... some of his homeboys don't have the sense that God gave them.” *-Deidra*

PRESENTENCE INVESTIGATION

A presentence investigation is essentially an inquiry into the history of a person convicted of a crime. This investigation should determine whether there might be extenuating circumstances which the court should consider regarding the arrestee, including ameliorating situations or a prior history of criminal activity.

The Court will order a presentence investigation for individuals that face possible jail time and the loss of civil liberties. The investigation will outline the suspect's social and criminal history. A Community Supervision Officer (CSO) generally conducts the investigation.



The CSO will conduct an initial interview at the arrestee's place of confinement. Along with interviews, the CSO report for the Court that includes an evaluation, sentencing computation, intervention plan, and recommended sentence. During this process, victims and

community members may also be contacted. Monetary damages for the alleged offense(s) are also assessed.

The Pretrial Services Agency (PSA) also provides the monitoring and conditions for possible release for arrested DC and US code arrestees pending disposition. All arrestees are required to submit a urine sample that will screen for illicit/banned substances to the PSA. Depending on test results, PSA may refer arrestees for more intensive outpatient treatment or a residential treatment program.

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CHAPTER 5.

COURTS

“Is Miguel’s arrest going to end up [or result] in court?” ~Maria

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

The D.C. Superior Court (500 Indiana Ave. NW 202-879-1010) is the place where DC resident cases, both criminal and civil (\$5,000 or more in question), are heard and tried. This court also handles specialized cases involving the family court, landlord and tenant, probate, and traffic offenses. All appeals of Superior Court decisions go to the District of Columbia Court of Appeals.

The Superior Court, established by the U.S. Congress in 1970, as the trial court of general jurisdiction for the District of Columbia, consists of a chief judge and approximately 69 associate judges.



Note: Magistrate judges and other judges assist the Superior Court; In Superior Court, the city government’s interests are represented by the Office of the United States Attorney for the District of Columbia.

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA

Arrestees charged with violating federal law will be arraigned and

tried in U.S. District Court for the District of Columbia, located at 333 Constitution Avenue N.W., Washington D.C. Federal charges can include significant drug trafficking charges, violations of federal conspiracy laws, and certain other offenses like robbery or murder involving federal officials or offenses that take place on federal property. Even minor offenses, like protesting on the steps of the U.S. Supreme Court, can result in an arraignment in U.S. District Court if persons are charged with federal offenses.

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CHAPTER 6.

ATTORNEYS & LEGAL STRATEGIES

“Can I trust a court attorney to care enough [about] my grandson’s case?”

~ Clara

ATTORNEYS

The D.C. Court, depending upon income eligibility, will usually designate a private or court appointed attorney for criminal defendants, i.e. the arrested individual. If charged with a serious felony, most low-income arrestees will be appointed an attorney free of charge from the D.C. Public Defender Service (PDS). Those not represented by PDS attorneys will be appointed a private attorney through the Criminal Justice Act (CJA) panel. These attorneys also provide free legal representation for those with low incomes. Generally, PDS attorneys have access to greater resources (investigators, support staff) than CJA attorneys, who are usually private practitioners that are reimbursed for their time by the court.

Once acquired, the lawyer’s role is to represent the arrested individual in all legal matters. The attorney becomes the arrested individual’s advocate in all aspects of the case. Attorneys are bound by oath to “vigorously represent their client within the bounds of the law.” As such, the lawyer’s role is to ensure that the arrested individual receives a fair trial.

Note: The Washington Lawyer’ Committee for Civil Rights & Urban Affairs advocates appropriate care, protection from violence, and access to basic constitutional rights for DC prisoners held both in DC jail facilities, as well as those held in the Bureau of Prisons. To request help contact them collect at 202-775-0323 or writing to the DC Prisoners’ Project at

11 Dupont Circle, NW, Suite 400, Washington, DC
20036.

Defense Strategies: The attorney will also plan a defense strategy. Specifically, if the arrestee has pled “not guilty,” the attorney will determine a basis for his/her client’s innocence. For example, defense strategies commonly used to deflect guilt include:

Unlawful Arrest: Most arrests require a lawful arrest warrant, or at a minimum a finding of probable cause. An attorney will argue that an unlawful arrest has occurred if the arrestee and his attorney believe that the arrested individual’s civil rights were potentially violated. The Fourth Amendment protects citizens from (1) arbitrary arrest, and (2) their property from unreasonable search and seizure. Per a Criminal Defense Lawyer:

“When most people think about the police committing false arrest, they think it refers to an arrest that was not supported by evidence. But this is not the standard for measuring whether the police have falsely arrested someone. To be guilty of false arrest, the police must act without authority, or beyond the scope of their powers.”

Alibi: Per the legal definition of alibi, an attorney will employ this defense to prove the arrested individual was not at the scene of the crime and/or was with other persons or parties; therefore, he/she could not have committed the crime and the charge or claim is not true.

Entrapment: The U.S. Attorney’s Government Office recognizes that entrapment is a complete defense to a criminal charge, on the theory that “Government agents may not originate a criminal design, implant in an innocent person’s mind the disposition to commit a criminal act, and then induce commission of the crime so that the



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Government may prosecute.” Per a claim entrapment, the arrested individual would not have committed the crime, without being coerced, induced, or lured into the criminal activity by the police or an agent of law enforcement authority. To make this strategy work, the attorney must be able to show that the crime probably would not have occurred if law enforcement had not established the trap or entrapment or the parameters for the crime to be committed.

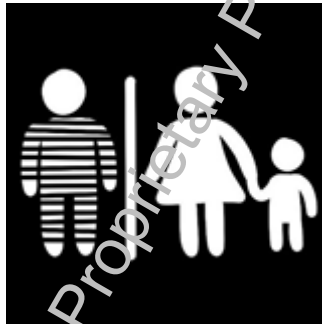
Self Defense: An attorney will employ this defense strategy when the arrested individual committed a crime involving in life endangered situations. The attorney will argue that the crime was committed by the individual to protect himself (or herself), family, or property, from threat or harm.

Insanity: Per the Legal Information Institute, a person accused of a crime can acknowledge that they committed the crime, but argue that they are not responsible for their actions because of their mental illness. An attorney will only employ this strategy after long consideration with the defendant (and mental health professionals). In essence, an insanity plea will be employed to convince the judge or jury that the arrestee did not have the mental capacity to discern between right and wrong.

Note: Attorneys are expected to protect their client's interests and if possible negotiate the best scenario for them. However, it is a common perception that public defenders, i.e. attorneys assigned by the court to assist defendants, spend little to no time with their clients and offer minimal information for these individuals to consider options before making important, often potentially life-changing decisions in their behalf. As a result, it is no wonder that families and the arrestee, often feel helpless and at a loss at court.

If possible, to gain some control, family members and the arrested individual should ask attorneys to explain the legal formalities and terms/language used before, during, and after court proceedings. Common complaints, questions, and concerns that probably need clarification may include the following:

- Legal Terminology
- Court Proceedings
- Tactical Strategies employed during trial
- Dismissal or Acquittal Options
- Negotiated Pleas and Sentencing Options
- Chances for Parole



CHAPTER 7.

EVIDENCE

“As far as I can tell, there weren’t any witnesses to the robbery. What are the police going to do, make something up?” –Angry Mother

EVIDENCE

Per legal definition, “evidence” includes “every type of proof legally presented at trial (allowed by the judge) which is intended to convince the judge and/or jury of alleged facts material to the case. It can include oral testimony, witnesses, including experts on technical matters, documents, public records, objects, photographs, and depositions (testimony taken under oath before trial). It also includes so-called “circumstantial evidence” which is intended to create belief by showing surrounding circumstances which logically lead to a conclusion of fact.”



A quick note about evidence: Forensic evidence and witness testimonies may be provided during the trial by the Metropolitan Police, FBI, DEA, Bureau of Alcohol, Tobacco & Firearms, or other offices and agencies, to establish the arrested individual’s guilt. The DC Office of the Chief Medical Examiner may also provide DNA analysis at any stage of the criminal justice process, from arrest to

trial. The suspect, family members, neighbors, co-workers, or other individuals may be requested to provide testimony or evidence by the defense or prosecuting attorney. Such testimony or evidence can be provided during preliminary hearings or during a trial to establish the innocence or guilt of the arrestee.

Arrested family members should discuss what, if any warnings were given to them by police or arresting officials. This includes their right to remain silent, request an attorney, etc. Most persons don't know that anything they say to police can be used against them in court. As such, law enforce are required to administer Miranda warnings so that persons don't commit self-incrimination. The general public can rightfully refuse to answer questions and/or provide information to police.

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CHAPTER 8.

PRELIMINARY HEARING

“All this legal talk is too much. What is a preliminary hearing?” ~Sharon

PRELIMINARY HEARING

The D.C. Pretrial Services Agency (PSA) is responsible for the initial assessment of a person charged with a crime. This agency may also assess whether an individual can be released on bail.

To better understand this process, PSA offers the discussion. Shortly after arrest and arraignment, a preliminary hearing will occur to determine if there is sufficient evidence for a trial. During this hearing, both the prosecuting attorney and the defense attorney will present evidence and related facts to the judge. Witnesses may also be called, and physical evidence may be presented during the preliminary hearing. If the judge determines that there is sufficient probable cause, the case will be tried in court; otherwise, the case will be dropped. [Review prior discussion on Probable Cause]

The prosecuting attorney has the option of also presenting the case to a grand jury. For this to occur, the crime must be a felony crime. The grand jury will review the evidence presented by the prosecuting attorney and decide whether to indict. If the grand jury decides there is sufficient evidence for the case to be indicted, the case is called a “true bill” and the case will be tried. However, if the grand jury decides against indictment, probably because of questionable or insufficient evidence, the case will receive a “no bill” and the matter is essentially dropped. Occasionally, when a no bill is returned, the



prosecutor will present new or additional evidence to the grand jury in attempts to obtain an indictment.

Note: Cases can be prosecuted by either the D.C. Office of the Attorney General or the U.S. Attorney's Office, and under certain circumstances, a case may be referred and/or transferred from one office to the other for prosecution. Only minor offenses like traffic charges or prostitution cases are prosecuted by the Office of the Attorney General. Juvenile offenses are also handled by this office/ court.

A criminal case can be tried by a judge or jury. Misdemeanor cases are generally adjudicated and brought before a judge, although some misdemeanor offenses allow for a trial by jury. Regardless, if a judge or jury hears the case, they will listen to witness testimony and evaluate the evidence presented at trial to assess a person's guilt or innocence. Occasionally, a jury is not able to come to obtain consensus and decide a person's guilt or innocence. When this occurs, they will inform the court bailiff, who then notifies the judge about this "deadlock" situation, and the case is dismissed. The court will then have to determine whether a new trial will be held or whether the case should be dismissed.

Note: By law (Fifth Amendment), a person generally cannot be charged twice for the same offense. This situation is called the "double jeopardy" rule. However, in the event of a deadlocked jury, the same charges may be brought again before a new jury. However, there are exceptions to this rule that should be discussed with an attorney.

CHAPTER 9.

FORMAL CHARGES, ARRAIGNMENT & ADMISSION OF INNOCENCE OR GUILT

“John’s attorney said the prosecutor offered him deal if he pleads guilty. If he’s going to do time anyway, why shouldn’t take the deal for shorter jail time?” ~Janie

As noted previously, formal charges generally occur within 72 hours after arrest. The charge(s) depends on the crime, initial determination whether it is a felony vs. misdemeanor, the suspect’s arrest record, i.e. whether this is his/her first offense or does he/she have prior offenses.



The arrestee will appear in court for his/her initial appearance or arraignment, where a judge informs the individual of his/her rights and formal charges. At this juncture, the judge will inform the arrestee about his/her right to an attorney. Almost all charges that could result in a sentence involving time in jail/prison require attorney assistance.

Generally, if the arrestee cannot afford to hire an attorney, the judge will arrange for the suspect to obtain legal representation.

During formal charges and arraignment, the arrestee will also inform the court whether he/she pleads guilty or not guilty (or no contest) to the charges. Typically at arraignment, arrestees enter a not guilty plea. A different plea can be entered at a later date. A basic assessment of these pleas is as follows:

- Guilty Plea: This plea is an admission of guilt by the arrested individual and it essentially means he/she gives up or forfeits their right to a trial defense. A guilty plea may also result in an immediate sentence and a trip to prison.

- Not Guilty Plea: This plea essentially means that the arrested individual contends that he/she did not commit the crime(s) being charged. As such, a trial date will be set so that the individual's guilt or innocence can be formally determined.
- No Contest Plea (Nolo Contendere): This plea means that the arrested individual is not stating or declaring innocence or guilt, however, they are contesting the charge(s).

When possible, an attorney should be consulted before entering a plea. Before arraignment, there is rarely enough time to make this decision, so a not guilty plea is usually offered. An attorney may later assist the arrestee to avoid the complexities of a trial by negotiating a bargain, i.e. plea bargain, with the court. For example, an attorney may (plea) bargain for a suspect to plead guilty to a lesser charge in exchange for a more lenient sentence. An attorney might negotiate to have certain charges dropped. At this juncture, arrangements may be made for the arrestee's release from jail via personal recognizance.

However, as previously noted a criminal conviction can have cascading consequences on the individual and his/her family. For example, individuals arrested on public housing property are likely to forfeit their eligibility to receive public housing benefits. Likewise, if the leaseholder was not involved in the crime but was aware of criminal activities on the premise, he/she may lose eligibility to receive public housing benefits.

Furthermore, certain occupations/professions require employees to have licenses, certificates, or registrations. A criminal conviction can bar a person from eligibility from certain positions of trust or disqualify persons from being able to pass employment background checks. Unfortunately, a person's adult criminal history will remain a permanent part of his/her record unless they can have the matter expunged or sealed.

CHAPTER 10.

SENTENCING

“This is the first time Rick has gotten into trouble. The judge will consider this, right?” ~Robert

SENTENCING

Per the DC government sentencing and criminal code, once guilt has been decided, a judge or magistrate usually determines a suspect's sentence, which includes the amount of time he will serve in prison or jail for his/her crime(s). A key factor in sentencing is whether the crime is subject to “mandatory sentencing guidelines.” When mandatory sentencing is a factor, the judge's decision-making power, regarding time to be served, is limited and bound by sentencing laws. As such, for certain offenses, the court must sentence the defendant to at least the set designated period of incarceration. Furthermore, the court cannot suspend the mandatory minimum sentence.

Note: In theory, mandatory sentencing ensures that individuals receive similar punishments for similar crimes.

Sentencing can include jail time, restitution, community service, a suspended sentence, or probation. However, the sentence an individual receives will depend on his/her criminal history (e.g. first offender), the severity and circumstances of the crime, contriteness, age, and other determining factors. Finally, sentencing may include a combination of the aforementioned factors.



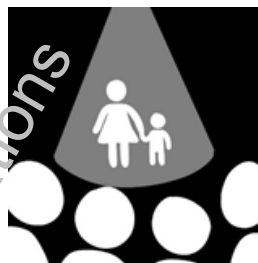
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CHAPTER II.

JAIL TIME

“Lamar is locked-up in the D.C. Jail. Can I take his son to the jail to see him?” ~Pearl

If a judge or magistrate determines that an arrestee presents a danger to the community, a flight risk, or if the person is on parole or probation, he or she will be sent to one of the DC jail facilities. The Central Detention Facility, or the DC Jail, is run by the District of Columbia Department of Corrections (DCDC) and is the largest and primary DC jail facility. The DC Jail is located on 1901 D Street SE.



The Correctional Treatment Facility (CTF) is located next door to the DC Jail. It is not a “treatment facility” but is rather an annex to the DC Jail. Unlike the DC Jail, persons assigned to the CTF are housed in single cells. The CTF detains women, persons in need of infirmary care, low-security men, and pre-sentenced men under the age of 18 who are charged as adults, youth held pending completion court programs, and men returning from BOP detention before their release. The CTF houses persons classified as minimum or medium-security prisoners, while the DC Jail typically holds individuals classified as medium or maximum-security prisoners.

DOC DETENTION FACILITIES

The Central Detention Facility (CDF/DC Jail) is located at 1901 D Street SE. Per the D.C. Department of Corrections, the majority of the persons housed at

the CDF are awaiting adjudication of their cases or they have been sentenced for misdemeanor offenses. Persons convicted as felons are generally transferred to a BOP facility. (202-698-4932; 202-601-3564; or 202-727-4222)

The Correctional Treatment Facility (CTF), located 1901 E Street, SE., is a privately run facility that has been contracted by the D.C. Department of Corrections to house both male and female offenders. The CTF is considered a medium-security institution. (202-547-7822 or 202-523-7060)

To locate a prisoner in the DC Jail or the CTF, contact the records office (DOCDC Records Office) at 202- 698-4940, Intake Processing Center. You can also check online at DC Vinelink to find out if someone is currently in the DC Jail or the Correctional Treatment Facility. (<https://www.vinelink.com/vinelink/siteInfoAction.do?siteId=9900>) If denied release at arraignment, an individual will usually be held at a DC jail facility until trial or resolution of their charges, whether through a plea bargain or the charges being dropped.

VISITATION (VIDEO VISITATION)

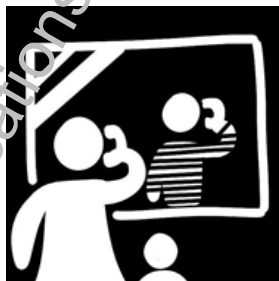
There is currently limited in-person visitation allowed at the DC Jail or the CTF. Per DC Department of Corrections, social visits at the DC Jail are conducted at the Department's Video Visitation Center, located at the DC General Hospital complex (1900 Massachusetts Ave. SE, adjacent to the jail), and in select community visitation locations.

Visits can also be scheduled online via doc.dc.gov/service/online-scheduling-video-visitationscheduling-face-face-visitation, or by calling: 888- 906-6394 or 202- 442-7270. The website notes that visits can be scheduled Tuesday through Saturday from 9 am-5 pm. Besides,

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visits are conducted Wednesdays through Sundays starting at 11 am and ending at 10 pm. The last session begins at 9 pm. Visitation hours at the community locations differ. Below please note visitation hours for each satellite location. Visits must start on time and are automatically canceled if visitors arrive late.

Inmates are allowed two (2) 45-minute video visits per week--visits are free and by appointment only. However, one adult and up to two minor children (under the age of 18) may enter the video visitation room to visit. Additional minor children may be rotated in during the forty-five (45) minute visitation period as long as they are supervised by an adult while in the waiting area.



Note: At all times, minor children entering the Video Visitation Center and satellite locations must be supervised by an adult.

Per the Department of Corrections website, satellite locations and hours:

- Anacostia Library, 1800 Good Hope Rd SE, Washington, DC 20020 – Visits are conducted Sundays 2 to 4 pm.
- Bald Eagle Recreation Center, 100 Joliet St SW, Washington, DC 20032 – Visits are conducted Wednesday, Friday, and Saturday from 11 am to 3 pm.
- Deanwood Recreation Center, 1350 49th St NE, Washington, DC 20019 – Visits are conducted Wednesdays and Fridays from 2 pm to 8 pm.

- Martin Luther King Library, 901 G St NW, Washington, DC 20001 – Visits are conducted Thursdays from 2 pm to 8 pm and Fridays/Sundays from 2 pm – 5 pm.

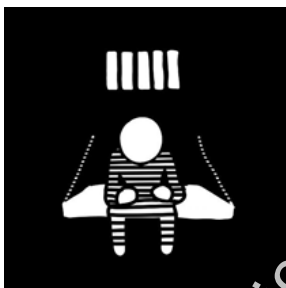
PRINCE GEORGE'S COUNTY

The Prince George's County Correctional Center (PGCCC): 13400 Dille Drive, Upper Marlboro, MD. 20772, has contact visits and video visitation as an option (301-952-4800). The PGCCC manages and supervises County residents that are pre-trial defendants awaiting trial and inmates sentenced to less than 18 months. The Department can house approximately 1,500 individuals.

CHAPTER 12.

NEWLY INCARCERATED

“Clint was taken back to the D.C. Jail after his trial. Can he serve his sentence there?” -Rene



NEWLY INCARCERATED

Incarcerated individuals in the District of Columbia are generally transported to the Central Detention Facility, a.k.a, DC Jail, after their arraignment. Persons should expect to be photographed, fingerprinted, and examined by medical officials. Individuals might also receive a mental health examination, HIV testing, etc. Individuals with felony convictions will be transferred to the Federal Bureau of Prisons (BOP) from a DC Jail facility within four to eight weeks.

DC Code offenders serving one year or less for each misdemeanor offense are assigned to the custody of the DC Department of Corrections (DOC). Under such conviction, men serve their sentences at either the Central Detention Facility or at the Correctional Treatment Facility (CFT). Women and children charged as adults (until their 18th birthday) are imprisoned at the CFT, located at 1901 E St. SE 20003. DC Code offenders serving time for felony convictions of any length are placed in the custody of the Bureau of Prisons (BOP). The BOP will consider several factors to determine an inmate's institutional security level:

1. Court Recommendation
2. Voluntary Surrender Status
3. Criminal History
4. Medical Factors
5. Past Associations
6. Drug/Alcohol Dependency
7. Escape History

BOP prison facilities are located throughout the country. Neither the convicted individual nor his attorney, nor the sentencing judge, can determine where he or she will be sent in the BOP system. At the time of this publication, family members could go online to www.bop.gov and select Inmate Locator, to find out where someone is being held. This site can also provide the address of the facility and specific rules about communicating with prison residents, how to send money and other details.

CHAPTER 13.

IMPACTS OF INCARCERATION ON THE FAMILY

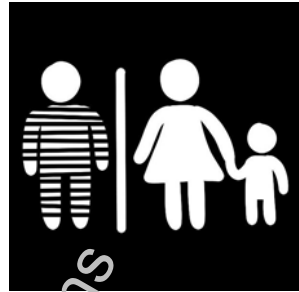
“I’d like to see[k] counseling-or a support group. Somewhere to go where somebody understands what I am going through and just the fact of knowing I’m not going through this alone.” -Jasmine (spouse)

This statement came from a participant in research conducted by Dr. Avon Hart-Johnson entitled, *The Symbolic Imprisonment of African American Women*, which was conducted in the Washington D.C. area. Her book sought to educate the public on the grief and loss experienced by African Americans with a family member or loved one who is incarcerated.

The loss of a loved one due to incarceration can be devastating to all family members. This is especially true if you are the head of the household. This loss to the household may impact spouses, significant others, grandparents as caregivers, and others, significantly, because of the responsibility of carrying on during the absence of your loved one. This section will provide information that may be helpful, for you at a time when decision-making can be difficult and stressful, to say the least. Making the right decisions may be especially difficult if you depended upon your mate for emotional, financial, and other means of support. This section of the guide serves to help you consider many factors, of which, one of the most important is your mental health and well-being.

The consequences of a family member’s conviction will likely have lasting effects upon the family unit, including harboring secrets, public shame, and diminished financial support. For example, upon a family member’s return, he/she can be barred from certain employment which requires certain licenses or certificates, if their crime(s) is deemed to question their “fitness” or “trust” to fulfill responsibilities. Other matters of consideration might be a family leaseholder’s knowledge or

awareness of criminal activity that involves public housing can result in the denial of eligibility to occupy the housing unit or receipt of public housing benefits.



EMERGENCY ASSISTANCE

Our research on assistance for families who are adversely affected by parental incarceration disclosed very few dedicated resources. However, DCPC's requests for information yields the following sources for public and private assistance in the areas of housing, employment, & health care:

TRANSITIONAL & PUBLIC HOUSING

Per the timeframe of the publication of this resource guide, the District of Columbia Housing Authority had an extensive backlog or waiting list for public housing and associated voucher programs (70,000+ applications). Public housing consists of various multi-unit apartments and townhouse accommodations located throughout the community. Voucher programs, also known as Section 8 housing, or the Housing Choice Voucher-Tenant Based Program (HCVP), provide rental assistance to residents in privately-owned housing units. Another option is the Choice Voucher Moderate Rehabilitation-Project Based Vouchers which also provides residents with restricted options to reside in privately-owned housing units.

The DC Coordinated Entry System (CES) coordinates with the Department of Human Services (DHS) to prioritize housing and public

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services to families in need, including homeless individuals. Available housing options include shelters, overnight and temporary transitional accommodations, single room occupancies, and permanent housing linked to support services. The District has an emergency hotline to assist residents and homeless adults: 202-399-7993; 1-800-535-7252; or contact the Mayor's Call Center – 311. The city offers a variety of District, Federal, and private housing options depending upon needs.

For families considering a transition to Prince George's County (PGC), the Housing Authority of Prince George's County receives federal funding from the US Housing and Urban Development (HUD) to administer the Housing Choice Voucher (HCV) program and other public housing programs. Most of this assistance consists of rental units, however, HAPGC has programs that encourage homeownership. Interested parties should contact the Housing Assistance Division and the Rental Assistance Division, 9200 Basil Court, Suite 107, Largo, MD., (301-883-5501).

PGC also provides emergency shelters: Family Crisis (301-731-1203; Family Emergency Shelter (301-431-4570); PG House (301-864-7140); & Shepherd's Cove (301-322-3093).

EMPLOYMENT

The Department of Employment Services (DOES) is the city's main source for residents to obtain employment and vocational training. DOES is located: 4058 Minnesota Ave. NE (202-724-7000); however, DOES has several centers located throughout the city. DOES partners with numerous employers to provide training and apprenticeship programs in trades that include electricians, construction, engineers, plumbing, roofing, and many other occupations (202-698-5099). [Note: For residents who are returning from prison, the District and Federal government offer employment incentives and bonding

programs for participating employers. [Note: These incentives also extend to adults with no work history, recovering substance abusers, and residents with poor credit.]

Other employment and training centers include the Employment and Career Development (202-562-3800); HOPE Project (202-449-8663); Jubilee Jobs (202-6678970/202-758-3710); New Course Restaurant & Catering (202-347-7035); United Planning Workshop (202-238-5600); Sash Bruce Youth Build (202-675-4340); & The Training Source (301-499-8872). Contact DOES for more providers.

HEALTH CARE

Health care is a fundamental need for caregivers and children. The DC Department of Behavioral Health (DBH) provides residents behavioral (mental) health, substance abuse services to adults, children, and teenagers, and families. These services are made available at the DBH Core Services Agencies, as well as community centers and certain schools. DBH offers emergency services, outpatient and inpatient psychiatric care, individual and family counseling, intensive care, psycho-educational therapy, and treatment for children who experience emotional, behavioral, and learning challenges. [Access Helpline: 202-671-3070/1-888-7V/E-HELP]

Health care is provided by private health insurance, Medicare, Medicaid, Tri-CARE, veterans' health coverage, certain student health insurance plans, and self-pay. DBH is located: 64 New York Ave. NE, 20001 (202-673-2200). Other health services: Alcoholic Anonymous (202-966-9115); Debtor Anonymous (202-643-2632; Depression & Bi-Polar Assistance (202-494-8203 - DC; 410-467-4709 - MD; 301-299-4255 - MD; 703-354-3510 -VA); Foster Parent Support (202-723-3000; Parent's Anonymous (202-299-0900); Narcotics Anonymous (800-543-4670); RAINN (Rape, Abuse, & Incest National Network

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800-656-4673); Trevor Text Project (LGBT Depression – 202-304-1200); Center for Child Protection & Family Support (202-544-3144); Domestic Violence Intervention & Supervision Programs (CSOSA – 202-442-1822; 202-442-1841); & House of Ruth (202-667-7001/202-347-0390).

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CHAPTER 14.

MATTERS FOR CONSIDERATION

"I can only deal with one thing at a time. I couldn't deal with my boyfriend [being] locked up and my son being locked up [as well]. So I just blanked out [my] boyfriend being locked up and was solely concentrated on my son's situation. Of course, that put a strain [my other] relationship." - Willow



As captured in Dr. Hart Johnson's data on African American Women's Symbolic Imprisonment, many spouses perceived themselves as being stigmatized by their families and society when their mates were incarcerated. Likewise, some spouses also suffer from the "sins" of their mates. These feelings might result in self-imposed isolation, shame, and guilt. These matters might take on a larger

persona if the spouse's crimes are reported on television or in the news. As such, spouses and families may become guarded or have to prepare for social gossip associated with the spouse's incarceration. Meanwhile, spouses and families have to endure ongoing separation, lost finances, companionship, etc. Common questions and concerns include:

- How can you maintain a sense of normalcy?
- How much information can be disclosed to others?
- Who can I confide in?
- Are any social networks available for assistance?

Other considerations include children, who may have to endure peer pressures or psychological factors associated with public and family perceptions and interactions. Some family members, friends, and neighbors will be supportive; however, there are few certainties. A child's age and maturity, as well as the nature of the crime itself, should

be factored into discussions. Real consideration should be given to the following issues:

- When and what, and how to tell children about their mother/father's incarceration
- Preparation for the physical and emotional absence of the parent
- Determine the immediate and ongoing needs of the child/children
- Preparation for family and public comments about the parent

As noted, an arrested individual will oftentimes spend time in the city jail before being transferred to prison. [Refer to Booking Section for contact information] Some issues may require consideration during, or after this period. These matters may be addressed through trusted friends, family members, or an attorney:

- Personal Finances
- Child Support Custody & Payments
- Finding an Attorney to Represent Your Needs While Incarcerated (e.g. Appeals New Trials)
- Medical Records & Special Needs



CHAPTER 15.

D.C. INMATES & FAMILY INTEGRATION

“Many DC prisoners are very young, with little, or no previous experience in the federal system. They are overwhelmingly African American (more than 90 percent); approximately 38 percent of the BOP population overall is African American. Few BOP facilities hold more than 200 DC prisoners, leaving DC prisoners an isolated, urban, primarily African American minority in any prison where they are designated. If they are serving long sentences, DC prisoners can anticipate being moved to a different prison every three to five years, and often more frequently.” –Philip Fornaci

The aforementioned text was partial 2010 Washington Lawyers’ Committee for Civil Rights and Urban Affairs (Philip Fornaci) testimony before the D.C. House of Representatives, Committee on Oversight and Government Reform. The transcript is entitled, Housing of DC Felons Far Away From Home: Effects on Crime, Recidivism, and Reentry.

Matters such as communication with family and friends, handling legal proceedings, and planning for eventual return to the District of Columbia are among the most obvious, and serious problems. However, nearly as significant is the day-to-day experience of DC prisoners. Unlike most federal prisoners, whose sentences were handed down in federal court, under federal charges, DC prisoners are primarily convicted of local “street crimes. As a result, most DC prisoners tend to be held in the highest security facilities, at least for the first several years of their sentences.

Although practitioners and academics profess that maintaining family and community ties are essential components to successful reintegration, maintaining such ties is difficult, if not impossible, when DC prisoners are



housed hundreds of miles from home. Families are generally unable to visit BOP facilities except in the rarest of circumstances, leaving telephone contact as the primary remaining option.

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CHAPTER 16.

D.C. INMATES IN FEDERAL BUREAU CUSTODY: BASIC RIGHTS

“After decades of mass incarceration that have left the United States with the largest incarceration population in the world, politicians of all stripes are suddenly declaring the policy mistake. But their pronouncements have failed to reckon with the phenomenon’s deep historical roots, or with the damage, [caused] to black families.” ~ Ta-Nehisi Coates

Ta-Nehisi Coates, in his message entitled, *The Black Family in the Age of Mass Incarceration*, provides a striking condemnation of the history of U.S. Criminal Justice and its adverse consequences on Black Americans. The Federal Bureau of Prisons (BOP) is the component of the United States and the U.S. Department of Justice whose mission includes the administration of the federal prison system. The BOP oversees prisoners who are sentenced felons under the District of Columbia court system. The BOP consists of more than 116 institutions throughout the country and its headquarters is located in Washington DC. BOP’s authority arises from Title 18, section 3050 of the United States Code.

Note: To find out where someone is being held in the BOP, you can go online to www.bop.gov and select Inmate Locator.

INCARCERATION: LOSS OF CIVIL LIBERTIES

An individual will lose many freedoms that he/she previously enjoyed before being imprisoned. These include deciding when and what to eat, means of exercise, seeing friends and family, etc. Prison officials tell when to wake up when to go to sleep, what to wear, what you can place in your cell, where



you must go, and where you cannot go. Comfort and privacy are essentially non-existent. Even during court proceedings, the arrested often appear in court dressed in orange jumpsuits, with their hands and feet shackled.

However, an inmate is entitled to certain basic rights, such as food, water, and medical attention. An inmate is also entitled to not be subjected to cruelty or brutality. Prisoners should have access to basic medical care but can receive care only from medical staff at the facility where they are held or to another facility the facility sends them. Most federal prisons charge prisoners a fee for each medical visit and procedure, but they cannot be denied care if they are unable to pay. Prisoners seeking medical care can submit a sick call slip or alert corrections staff.

Note: If a prisoner is denied medical care, family members and others can advocate for the prisoner by contacting the facility and asking to speak with the medical staff. If efforts of the prisoner and/or his or her loved ones are ineffective, prisoners should seek the assistance of an advocate or attorney. D.C. prisoners can contact the D.C. Prisoners Project of the Washington Lawyers' Committee at 202-775-0323.

Families with an incarcerated loved one often experience loneliness, financial difficulties, child care issues, and other hardships associated with this separation. The District of Columbia offers limited assistance for families forced into such involuntary separation. [Contact: Services for Families of Prison Inmates, 1923 Vermont Ave. NW (202-698-3218); National Institute of Corrections (202-307-3106; National Resource Center; Family Services, Department of Social Services]



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The District of Columbia via the Department of Corrections generally allows the following items to be brought to prison: wedding bands; eyeglasses; address book; religious material (Bible, Koran); a limited number of books; legal papers; hat/cap; some photographs; a deck of cards; watch; a limited number of tennis/shoes/boots; some socks; sweat pants and tops; athletic supporters; underwear; pants and shirts; and T-shirts; pillow, sheets, and blanket.

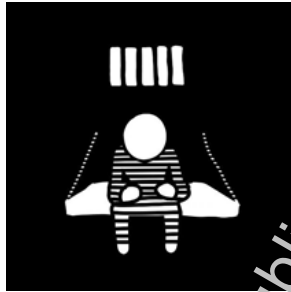
Note: Contraband is anything the prison staff does not issue or items not allowed in the prison. If found, contraband items will be seized by correctional officers and be destroyed and/or returned to an inmate's family members.

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CHAPTER 17.

D.C. TRAINING, EDUCATION & COMMUNICATIONS

“Can David obtain any job training while he serves time in McCreary?”
~ David’s Mother



In April 2013, the District of Columbia’s Corrections Information Council (CIC) reported that the McCreary U.S. penitentiary, Pine Knot Kentucky offers several adult literacy programs, including, GED training and post-secondary studies through correspondence. Federal prisons currently require every inmate to take GED classes or have a high school diploma. Also, if you are an inmate in the U.S. legally, and English is not your native language, the BOP now requires “English as Second Language” courses to enhance written and spoken English. Furthermore, as with McCreary, many prisons offer on-line college courses and vocational training classes (e.g. carpentry, auto mechanics, welding).

Note: Parole boards generally view an inmate’s interests in education and vocational training favorably.

COMMUNICATION

- Mail

Most prisons have a post box number. Inmates should provide family and friends: their first and last name, prison registration number, unit and cell block, and the prison address. As a general rule, incoming and outgoing mail is opened and inspected. Books may be sent to prisoners but they must be sent directly from a publisher or a third-party bookseller like Amazon. Com. You cannot mail books directly to prisoners. This information should be conveyed to friends and family members who may want to send graphic pictures or images (e.g. pornography or violent images), criminal or gang-related material, hate-based correspondence, discussions of criminal acts, escape plans, maps depicting the area around the prison, nudity or sexual conduct, or other contraband. In general, only paper letters and cards are permissible. Unauthorized materials will be confiscated and/or discarded by prison officials. Key concerns are materials or items that may dangerous to the prisoner or others.

Note: The one exception to these rules is correspondence sent from an inmate's attorney. Per federal case law, confidential mail is protected by numerous circuit court decisions, as well as BOP policies. BOP Program Statement 5265.14 advises that incoming legal mail, marked properly, must be opened in the presence of the inmate, and may not be read or copied by prison staff. Outgoing legal mail sent by an inmate who is not on restricted special mail status may not be inspected by prison staff.

- Canteen: Financial Accounts

Inmates can purchase certain limited items the facilities canteen (e.g. food reading material, toiletries). There are several ways that money can be forwarded to an inmate's canteen account. These include (1) mail money orders that include the inmate's name and DCDC number; (2) use a telephone (1-800-634-3422) and credit card and pay a transaction fee; and (3) walk-in cash payments via Western Union (1-800-325-6000). Inmates can also add money earned from a prison job.

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Money orders should be mailed to:

Federal Bureau of Prisons
Inmate's Full Name
Inmate's 8-digit prison number
PO Box 474701
Des Moines, Iowa 50947-0001



You can also send money via Moneygram. Locate the nearest agent by calling 1-800-926-9400 or visiting: www.moneygram.com. You will need the following information:

- 1 Account Number: Inmate's eight-digit register number with no spaces or dashes, followed immediately by the inmate's last name (example: 12345678DOE).
- 2 Company Name: Federal Bureau of Prisons
- 3 City & State: Washington, DC
- 4 Receive Code is always: 7932
- 5 Beneficiary: Inmate's full committed name

ONLINE

Please visit www.moneygram.com/paybills and select "Quick Collect." Enter the Receive Code (7932) and the amount you are sending (up to \$300).

First-time users will have to set up a profile and account. A credit card may be required.

- Telephone Calls

The imprisoned can usually make telephone calls from an account

or by calling someone collect, which requires the person being called to accept the charges associated with the call. Individual prisons set the parameters of telephone calls, e.g. the time length of calls (10-20 minutes), subject matters allowed, and restrictions on overseas. Some facilities in the BOP allow prisoners to purchase calling cards. These calls are cheaper than calling collect but the prisoner must have funds in his or her prison account.

- Prisoners with Disabilities

Prisoners who are deaf, blind, or have other physical disabilities must be accommodated in prisons where they are held. Prisoners with mobility limitations must have access to wheelchairs, walkers, canes, or other mobility devices as appropriate. Prisoners with mobility or other physical limitations cannot be placed in an upper bunk in a cell. Deaf prisoners are entitled to access to education opportunities offered to other prisoners, but must often advocate for their rights. In recent years, federal prisoners have begun to offer videophones for deaf prisoners, and such services should be requested in every federal prisoner if needed. Additionally, facilities must accommodate deaf and blind prisoners in announcement systems and emergency evacuation plans.

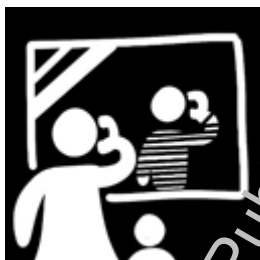
Prisoners with serious mental illness are entitled to mental health treatment while incarcerated but most receive limited if any treatment in federal prisons. Family members of prisoners with mental illness may have to advocate on behalf of their loved ones to secure services for them while incarcerated.



CHAPTER 18.

VISITATION

“Uh, actually going through the process you know, being searched and everything comes back to me. Almost feeling like myself for a small window of time and then –it’s all that brokenness and passing through [security] and to see his face and know that I have to be strong even though I felt very vulnerable and want to break-down.” -Rosemary



Visiting a family member or friend who is in prison is an important way to maintain connections during incarceration and studies state that it enhances the prisoner’s success both while in prison and after release. Before transferring from the DC Jail to a federal corrections facility, prisoners should make a list of friends, family members, and officials that might visit them. This list will be evaluated and maintained by prison staff. Persons not approved by the prison or not listed will not be allowed access to the prison facility. An inmate manual will dictate the terms and frequency of contact allowed by the prison. In most federal prisons, people with a prior felony conviction can be barred from visiting a prisoner.

Note: To visit an inmate in a federal BOP facility, the names of family members and friends must be on a visitor list, BOP Visitor form (BOP.A629.052). Each federal prison has specific days and times for visitation. Family members and friends should contact the facility to determine its rules and requirements.

As noted above, visitors coming to the prison are screened and monitored for security reasons and to ensure that no contraband is brought into the facility. Most prisons subject visitors to grave consequences if they attempt to bring drugs or contraband into the prison facility. Likewise, prisoners that accept drugs or contraband from visitors are subject to disciplinary redress.

All prisons have specified visited hours and there may be restrictions to the times visitors may drive onto the prison complex and should obey all traffic laws, including parking in legitimate spaces. There is generally a waiting period that includes time for processing visitors. Some prisons require “scheduled” only appointments and limitations. Despite the positive benefits associated with prison visits, some accounts can appear as overall negative experiences, especially when the scrutiny of gaining entrance feels humiliating or degrading. Prison visitation rules are reminders of the barriers, stigma, and regiment experienced by prisoners inside facilities.

Note: Prison visitation is often considered a privilege that prisoners earn with good behavior; however, it can also be revoked. As such, a prisoner’s bad behavior can result in isolation from visitors and even other inmates. Solitary confinement is referred to as the “SHU” or Special Housing Unit.

Visitation can present opportunities for inmates to see loved ones, flirt, and possibly share plans for post-prison living arrangements. Many prisoners may express desires to not repeat past mistakes, find lawful employment, and/or declare promises about love relationships.

Note: Prison’s restrictions offer opportunities, both real and imaged about how life on the outside will be. Some behavior might change, but, prison removes many potential obstacles, e.g. alcohol, drugs, certain

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criminal associations, needs, etc. Also, many families might experience new dependencies from their loved ones. He/she might not have the means to help with family financial needs, or even provide for their own needs in prison facilities. As previously mentioned, the District of Columbia offers limited assistance for families forced into such involuntary separation. Consider contacting the National Resource Center and Family Services, Department of Social Services.



There are restrictions on what to wear to a prison. Generally, there are four rules to remember. Do not wear clothing that resembles the clothing that prisoners wear: blue denim pants; blue chambray shirts; orange jumpsuits or orange tops and bottoms; Do not wear clothing that resembles what custodial staff wear, Do not wear any clothing that cannot be taken off and will not clear a metal detector;

such as an underwire bra or clothing with metal buttons; no strapless, halter, bare midriff, sheer, or transparent clothing; no skirts, dresses or shorts that expose more than two inches above the knees; no clothing that exposes the breasts, genitals, or buttocks areas; no very tight, form-fitting attire; no wigs, hairpieces, or extensions, or other headpieces except for medical reasons and with prior approval. No hats, or gloves, except with prior approval or inclement weather.

Note: After sentencing and during your loved one's incarceration family members must decide how to reorganize their lives. For example, how will the incarceration affect paying household bills; should extra work be sought or does someone need to remain at home to watch children or the sick and elderly. Is a change in residence needed? Does the family unit

need social or public assistance? What personal needs, including counseling, to face loneliness, psychological and physical deprivation, child care, illness, anger, and resentment?

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CHAPTER 19.

PAROLE

“What is parole? Is Reggie eligible for some type of early release?” – Kathy

If a prisoner was convicted of an offense before August 2000, he or she may have a parole-eligible sentence. The U.S. Parole Commission (USPC) is responsible for the release and supervision of offenders in the District of Columbia (202-346-7000). Parole is a term of community-based supervision that occurs during a sentence of incarceration. Parole is a form of early release from prison based on an offender’s “positive adjustment” to rehabilitative goals established during his/her incarceration. USPC determines the release date and conditions for release and eligibility for parole.

The USPC will inform the prisoner’s case manager when his parole hearing can be scheduled but a prisoner must file a parole hearing application through the case manager. Prisoners may have legal representation but it is not provided by the government. A prisoner can contact the D.C. Prisoners’ Project of the Washington Lawyers’ Committee for Civil Rights to request help with a parole hearing by calling them collect at 202-775-0323 or writing to the DC Prisoners’ Project at 11 Dupont Circle, NW, Suite 400, Washington, DC 20036. As a parolee, the convicted offender is placed under control supervision, and care of a CSOSA, Court Services & Community Supervision Officer, instead of serving the remainder of his/her term of imprisonment. This parole period is predicated upon conditions of release specified by the U.S. Parole Commission and CSOSA.

The DC Superior Court may also supervise prisoner release if released on probation. Probation is supervised by CSOSA. The Court has the authority to revoke probation and send a prisoner to serve out the probation period in jail.

CSOSA monitors the status of its inmates while parole or detainer status is being served. CSOSA (Court Services and Offender Supervision Agency) central location in the District of Columbia is 633 Indiana Ave. NW (telephone number 202-220-5300). Community Supervision Field Offices include: 300 Indiana Ave NW (202-585-7517); 25 K Street NE (202-442-1210); 800 N. Capitol Street NW (202-442-1483); 1230 Taylor Street NW (202-585-7741); 910 Rhode Island Ave. NE (202-442-1824); 1418 Good Hope Road SE (202-585-7800); 3850 S. Capitol Street SE (202-585-7621).

CHAPTER 20.

WHEN FAMILY RETURNS FROM PRISON

“I know that prison changes people. What can I expect when Keith comes home after being away for so long?” ~Jasmine

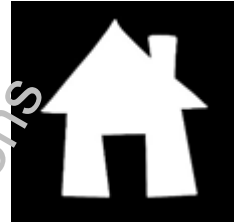
After a long waiting period, your loved one is now paroled and returned from penal incarceration. Along with joy, numerous considerations arise from this development. For example, he/she is now recognized as a convicted prisoner who still must meet conditions of release and supervision by the Court Services and Offender Supervision Agency (CSOSA) and USPC. The adjustment from prison will likely be evident in your family as well as the formerly incarcerated. Both parties will need social, psychological, as well as financial support. Re-integration into family, community, and employment ranks might prove to be a daunting task. Some challenges might be his/her desire or need to reacquaint with the same elements that resulted in his troubles and incarceration, whereas, other challenges might stem from time loss from you and his/her family; or the stigma of being an ex-convict.

DC Project Connect and many scholars and followers of the reentry process advocate that inmates should prepare for their release when they begin their prison sentence. If adhered to, DC Code offenders would educate themselves as much as possible about the criminal justice system and take advantage of the educational, vocational, and trade opportunities to enhance their chances of finding employment and successful transition from prison.

Reentry or leaving prison involves the complex task of transitioning from prison to former or new community. Restarting entails more than returning home, rather some level of new relationships must be formed, as well as social bonding. “Estrangement from family, housing insecurity, and income poverty leave former prisoners at the margins of society with little access to the mainstream social roles and opportunities

that characterize full community participation.” (Western, 2012)

After leaving prison, returned citizens face the challenge to re-establish ties with family members and community members, as well as find housing and employment. The first year might be especially tough if the resident hasn’t maintained ties with relatives. Older residents might be overwhelmed with advances in technology and sways in demographics via gentrification. Returned residents may be vulnerable to anxiety and feelings of depression or isolation. Social integration might assist with the stress of this seemingly rapid adjustment period. The mere psychology of this transition can pose health risks, and trigger relapses or short-term fixes with drugs and alcohol.



Demographically, many persons that are incarcerated come from poor urban areas. Statically, this phenomenon is skewed to men of color, with little schooling. For example, Davis et al (2014) estimated that of the 700,000 released from jails and prisons, 35 percent were African American men who dropped out of high school.

Sociologist, Western, (2012) noted that “leaving prison presents the formerly incarcerated with the task of social integration, of establishing membership in a free society, of forming or re-establishing relationships and learning new social roles.” This is more troubling for persons with weak family ties, who may have poor outcomes associated with finding suitable housing and means of subsistence.

Note: The BOP generally requires that DC Code offenders attend pre-release classes within 12 – 18 months of their anticipated release date. In some instances, the failure of an inmate to attend this training will be deemed as a failure to cooperate with the program and thus possibly delay or compromise

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the anticipated release date.

Some returning DC Code offenders are released to a Residential Reentry Center (RRC), more commonly called halfway houses, or they might receive home confinement and be subjected to electronic monitoring. Halfway houses offer a variety of services and educational opportunities to returning citizens. Residents are expected to abide by strict monitoring and case management despite his/her location. Also, returned citizens are expected to secure employment, suitable housing, and other agreed-upon terms, including medical and rehabilitative support.



As with many aspects of life, there are no manuals address the steps to correctly proceed forward for someone who has been imprisoned and told, what to wear, when to eat, where to go, etc. Newly informed decision-making, small, but significant new freedom, and other factors make reintegration challenging, if not problematic. Likewise, acquiring employment, with old or/no skills can also be a game-changer.

CSOSA estimates that over 2,000 ex-offenders return from BOP facilities to the District annually; also, nearly 17,000 people annually are released from the DC jail facilities. Statistics indicate that approximately half of these individuals released from the BOP will be sent back to prison, generally for technical violations of the terms of their parole or supervised release. Strong support from the inmate's family can contribute to his/her success. Some entities that support returning citizens include:

1. Mayor's Office of Returning Citizen Affairs (MORCA): This office is located at 2100 Martin Luther King Jr. Avenue, SE 20020; 202-715-7670; www.orca.dc.gov, provides training, career development, health care, housing, and social services information.

2. D.C. Department of Employment Services. The main office is located at 4058 Minnesota Ave. NE (202-724-7000). This office provides a wide variety of services for District residents, including augmenting existing skills, vocational training, placement assistance, etc. (www.does.dc.gov) [See Employment pp. 35 – 36]
3. Public Defender Service for DC: Civil Legal Services Division: This office is located: 601 Penn. Ave NW; 202-628-1200, assists clients with civil matters (e.g. housing, protection orders, child support).
4. Vital Records Division: Office is located at 899 North Capitol NE; 202-442-5955/9303; can provide a birth certificate if the returned citizen was born in the District (doh@dc.gov).
5. Criminal Justice Coordinating Council (CJCC) Resource Locator, www.resourcelocator.net, is an online database of DC service providers for housing, health, and medical care, emergency food, and clothing, legal assistance, etc.
6. Rehabilitation Services Administration Division, DC Department of Disability Services (DSS), located at 250 E Street SW 202-4428738; assists persons with intellectual and physical disabilities obtain employment, support, and receive referrals for employment, and counseling services.
7. Office of Apprenticeship Information and Training: The Apprenticeship Program is located at 4058 Minnesota Avenue NE; 202-698-5099; www.does.dc.gov, provides on-the-job training and apprenticeship programs sponsored by various employers, labor groups, and associations.
8. For legally blind persons, Columbia Lighthouse for the Blind is located at 1825 K Street NW; 202-454-6400; www.clb.org;

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provides job-readiness training for homeless men. CLB also provides counseling for substance abuse, resume preparation, interviewing skills, employment referrals, etc.

9. Workforce Development Program: University of District of Columbia, located at 801 North Capitol Street NE; 202-274-5800, provides academic and job training for persons pursuing a career in health care, construction trades, hospitality, office technology, etc. WDP also provides GED preparation.

Employers Known to Employ Persons with Criminal Records (also consult the Public Defense Service "Directory of Adult Services")

- METRO, 600 5th Street NW, 202-962-1071 (although known to exclude people with certain serious felony convictions)
- Clark Construction, 301-986-8100
- Cosi Sandwich Bar, 202-638-7101



PARENTAL INCARCERATION

Per the American Bar Foundation's workshop, "Parental Incarceration in the United States," the following themes were identified by Chris Uggen (University of Minnesota):

1) Parental incarceration disproportionately affects communities of color; Bruce Western (Harvard) estimates that 11 percent of African American children have a parent that is incarcerated;

- 2) Many incarcerated parents played roles in their children's lives before incarceration;
- 3) Parental incarceration is linked to several negative outcomes for children, including poor school performance, physical and mental health problems, housing instability, and economic strain, both during and after the period of the parent's incarceration;
- 4) Parental incarceration is associated with delinquency during adolescence and the transition to adulthood;
- 5) Post incarceration, families are more likely to struggle financially, due to societal stigmas;
- 6) Children of incarcerated fathers are vulnerable to future incarceration (T.A. Craigie, Connecticut College);
- 7) Some actions can be taken to improve the aforementioned issues, starting with greater cooperation between researchers, advocates, policy-makers, and practitioners.

D.C.'s BAN THE BOX LAWS



In December 2014, the District of Columbia joined more than 60 other jurisdictions nationwide and implemented law that prohibits employers (D.C.) from making inquiries into an applicant's prior arrests, criminal convictions, or accusations related to the same, during the initial stage of hiring. Employers were also required to remove criminal background questions from all job application materials.

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The District of Columbia Office of Human Rights (OHR) is the city's agent for enforcing the Fair Criminal Record Screening Amendment Act of 2014, which aims to prevent the unlawful screening of a job applicant's criminal background. The law applies to the government of the District of Columbia and employers with 11 or more employees (in D.C.). The law prohibits employers from asking job applicants about: arrests; criminal accusations made against the applicant that is not pending or did not result in a conviction; and criminal convictions. However, an employer can ask about criminal convictions after extending a conditional offer of employment.



Limitations: The Executive Director, Employment Justice Center (Fornaci 2016), provided the following commentary on limitations to the District's "Ban the Box" law:

Somewhat similar to Ban the Box laws in other jurisdictions, the law was intended to remove barriers to employment for people with criminal records. The law makes illegal the practice of asking on an employment application whether the applicant has ever been charged or convicted of a criminal offense, the "box" that is now banned. Potential employers must first go through the interview process and make a conditional offer of employment before they are legally permitted to do a criminal background check. If the background check reveals a conviction that bears on the job responsibilities, and there are no clear extenuating factors (e.g., a juvenile offense or a conviction decade old). The employer is legally permitted to reject the applicant, thereby, reversing the earlier offer of employment. If the rejected applicant requests it, the would-be employer must explain in writing. Under no circumstances are employers permitted to take arrest records into account in making hiring choices.

That is the scheme, but there are several problems with the D.C. law.

A May 2016 D.C. Inspector General (IG) report noted that the law has had a minimal impact on improving job prospects of people with criminal records. There are several reasons for this, including the widespread refusal of employers to comply and the lack of a meaningful enforcement mechanism. Many large employers, including popular fast-food chains and others, persist in illegally asking applicants about their criminal records. The only remedy available to a job applicant is to file a complaint with the D.C. Department of Human Rights (DHR); however, DHR is a chronically understaffed and under-resourced agency. According to the IG report, among other issues, complaints take a minimum of 9 months before they are investigated.

The D.C. Employment Justice Center (EJC, www.dcejc.org) is proposing some specific reforms of the Ban the Box law, including the addition of a “private right of action.” This would allow job applicants who believe they have been victims of illegal discrimination to go to court. Current law does not allow this option. Additionally, the EJC is seeking to expand the reach of the law, which currently only covers employers with more than 10 employees. Several DC Council members have expressed support for these reforms.

But even a well-designed Ban the Box law is unlikely to have a huge impact on the job prospects of people with criminal records, particularly those returning from incarceration. Many employers routinely (and illegally) do online searches of job applicants’ backgrounds; the D.C. Superior Court website allows for a summary search by name, and other local courts provide more online detail. However, even more, discouraging is that discrimination based on an applicant’s criminal record is widely believed to be rooted in racism and racial bias. This is why the U.S. Equal Employment Commission found that bans on hiring people with criminal records violate civil rights laws. This brings us back full circle to the old issues of race-based hiring.

Yet even with these limitations, it is worth the effort to try to fully

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implement the Ban the Box law. We hope that it can help to erode the stigma against hiring people with a record and help to improve job prospects overall. More importantly, the effort to create a vehicle for organizing returning citizens can lead to a broader awareness of the issue, and hopefully the galvanizing of some political clout to this abused community. Reform of Ban the Box is a small step toward the broader assertion of the human dignity of people with criminal records.

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CHAPTER 21.

RECIDIVISM: AWAY AGAIN

“Every offender has issues; approximately 70 percent have substance abuse histories. Approximately 30 percent of DC offenders have temporary housing arrangements. Many have complex issues, like mental illness or medical problems. Most need services to find education or jobs.” ~Leonard Snipes, Jr.

Leonard Snipes, Jr. wrote an article on “Returning from Prison to Washington D.C.” Snipes commented on the role of Community Supervision Officers, whose responsibilities include, assessing returning citizen’s risk of re-offending, as well as their need for services. Two of the biggest challenges that finding housing and employment. Snipes comments,



“Many offenders have burned their bridges with the family. Community corrections professionals have heard many stories of mothers who state that they will allow a returning son to live with them in public housing, but she never places his name on the lease. Other family members promise the use of their homes but back out when the home plan is investigated.”

Recidivism is often defined as the re-arrest, reconviction, or re-incarceration of an ex-offender within a given time frame. As a result of this broad definition of recidivism, most research associated with this matter includes technical violations of an offender’s parole or probation (e.g. failing a drug test).

In 2011, the Council for Court Excellence reported that the unemployment rate for return citizens is over 40 percent. According to the report, Unlocking Employment Opportunities for Previously

Incarcerated Persons in the District of Columbia, “8,000 individuals were released from prison or jail into the District last year [2010], and it is anticipated that about 4,000 of these individuals will re-offend, finding themselves back behind bars in the next three years.” The Council recognized that employment is key factor in reducing recidivism rates. “Without a job, the path toward rehabilitation and economic security is far more challenging, increasing the likelihood of repeat offenses that keep individuals trapped in a revolving cycle of incarceration.” The disconnect in employment opportunities was deemed in part to be the unwillingness of employers to mentor, train, and invest in ex-offenders.

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