

Release Preparation

The Bureau of Prisons (BOP) normally completes pre-release planning and programming for prisoners nearing the end of their sentences. Prisoners applying for clemency who were not nearing the end of their sentences will not have completed this process. In these cases, it will be up to the attorney to jump-start the planning process and document how the client plans to lead a self-sufficient and stable life upon release. This memo addresses what should be done for those individuals who have completed pre-release planning and programming and for those who have not. It also addresses what to do in cases where an individual is deemed “high-risk” for recidivism or other post-release complications by Federal Probation.

Gathering information from the client should be part of the process that will help to identify those tools and support systems that he/she has and what services will be needed to address any unmet needs. A questionnaire has been developed which should be sent to the client as soon as it is determined that s/he meets the criteria and that a petition will be prepared. *See Reentry Questionnaire, attached.*

What to Include in Your Petition

The focus of your petition should be the ways in which your client’s term of imprisonment would be lower under current law than it was when he/she was sentenced. It is important, however, to say something about why the Department of Justice and the President can be assured that your client will be successful if released from prison to return to the community. The message should be that your client has the tools and support system to make a smooth transition from prison and to become a stable, contributing member of society.

It is necessary in every case that a release plan address the following key components: (i) where the inmate will live, (ii) a description of job prospects and skills that will help the inmate to obtain a job, (iii) any continuing plans for substance abuse counseling or treatment; (iv) proposed volunteer work or other participation in community service; and (v) if the inmate’s offense resulted from negative influences, how he or she will avoid those after release. See Office of the Pardon Attorney Application Content Checklist, at 2. There are two traps to avoid. First, volunteer work is not a replacement for a paying, regularly-scheduled job. It is common for inmates to suggest that their post-incarceration job will be “working with at-risk youth,” for example, but this is only worthwhile as a primary pursuit if the petition can also identify a willing, paying employer. A second trap is the assertion that the client will be an entrepreneur. This is viewed with skepticism particularly in narcotics cases; after all, it was entrepreneurship that got them in trouble in the first place. Such plans lack the stability and regularity the OPA will be looking for.

For example, your client’s petition might address plans for reentry thusly:

[Client] is well-positioned to reenter society as a productive citizen. He has strong family support; the ability, opportunity, and desire to work upon release; and a strong desire to become a responsible father to his children. Upon release, [client] plans to live and work in metropolitan St. Louis, Missouri. He will live with his sister, [name] and her husband [name] in Kirkwood, Missouri. Ms. [name] is employed as a nurse at University Hospital and her husband is a Journeyman carpenter for XXX Construction Company. Mr. [name] has offered to train [client] with these skills. With [client’s]

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training in the BOP's vocational apprenticeship program, prior work experience, and earning his GED, [client] will have broad options for employment. [Client] will receive assistance from the Probation Office in the Eastern District of Missouri with employment readiness, job search, and additional skills training in [identify what is available in your district through the PO including certification which increases [client's] earning towards self-sufficiency. [Client] will also be connected to a variety of community resources such as [identify local agencies] specific to his needs. Note: The availability of community resources is haphazard such that it may not be possible to find volunteer work or community resources in every jurisdiction.

If you feel that the ordinary BOP and Probation pre-release planning process including the services and treatment provided in the halfway house (outlined below) can adequately address your client's needs, you may decide simply to state this and briefly explain why. If your client's situation is more complicated, you may have to conduct some of the pre-release planning preparation identified in this memorandum yourself and explain the results in your petition. Either way, endeavor to keep your presentation brief. DOJ has indicated an interest in reviewing a great many petitions efficiently. Unnecessarily lengthy and involved petitions will slow down the process and may mistakenly communicate that your client is not a good candidate for release. This memorandum provides a lot of information for background. In most cases, a few paragraphs should suffice for your petitions.

Background Information

BOP Release Preparation Program (RPP)

To prepare prisoners for release, the BOP has implemented the Release Preparation Program (RPP). The program's purpose is to provide prisoners with the basic information and contacts necessary for successful reentry into the community and the work force. Each BOP institution has an RPP for all sentenced prisoners reentering the community. The RPP curriculum covers (1) employment, (2) personal finance and procedures, (3) community resources, (4) health and nutrition, (5) release requirements and procedures, and (6) personal growth and development. Eligible prisoners must enroll in the RPP no later than 30 months prior to release to the community or a halfway house. All sentenced prisoners (except those who are deportable) must participate in the RPP. Prisoners prepare an employment portfolio that includes a resume, education certificates, diplomas, transcripts, and other documents necessary for employment. On release, the BOP provides inmates with information, programs, and services through contracts with private industry, federal agencies, community service providers, and halfway houses. After release, through the RPP, community based organizations help ex-prisoners find jobs and training opportunities.

The BOP's guidelines for discharge assistance provide for social workers and other health professionals to assist the pre-release program staff in providing discharge planning services for inmates transitioning to the community. Their functions include (i) ensuring that proper community supports are in place before release, (ii) promoting healthy social interactions between inmates, families and community members, (iii) assuring that service organizations are responsive to inmates' needs and (iv) assisting the inmates to obtain essential community services and resources before discharge. The planners have knowledge of community resources and policies and procedures of various agencies. They are expected to advocate or mediate for services on the inmate's behalf. The guidelines, including

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a checklist summarizing most potential needs and services for releasing prisoners, is available on the BOP's website.¹

The Bureau of Prisons and Probation will assume that your client is returning to the home address provided in the Presentence Report. If this is not your client's plan, you should present and explain the alternative in your petition, and you should have your client raise it with the BOP Unit Team at his/her next review.² Some clients may have no place to return to, because they have been incarcerated for so long, or because they never had a reliable network of family and friends. For these clients, you may have to explore subsidized housing, the shelter system, or an extended stay in community confinement (this may require a modification of the client's term of supervised release, which can be accomplished by order of the court upon agreement of the parties). Veterans' hospitals and inpatient mental health or drug treatment programs are other options.

Release Plans and the Role of the Probation Officer

Probation officers work with people on supervised release.³ Supervised release is a separate portion of the sentence, which follows imprisonment. During supervised release, the terms of your client's sentence may require participation in mental health or substance abuse treatment. Treatment may involve individual, family or group counseling in an outpatient or residential setting, in addition to testing for drug use. The court also may have imposed release conditions such as electronic monitoring and maintaining employment. The probation officer's duties include assisting prisoners on supervision who are in halfway houses by directing them to community resources for employment through such services as skill assessment, job training, workshops for resume preparation and job searches. Probation has relationships with agencies and individuals in the community who can help people on supervision obtain treatment and find and keep jobs, including nonprofit organizations, local and state employment services, chambers of commerce, and employers.

Prior to release, the BOP or RRC staff will submit the inmate's release plan to the appropriate Probation Office for approval.⁴ The probation officer assigned to the case, and/or those assigned responsibility for providing reentry services for the office, investigates the release plan and either approves, modifies, or disapproves the proposed plan. The probation officer should discuss the plan with the prisoner if feasible. The probation officer is expected to begin this process when first notified of the prisoner's upcoming release.

Probation officers investigate the release plan by interviewing the proposed employer, family members, and other sources, and visiting the residence and place of employment. They should identify reentry service needs during the investigation, including addressing mental health and co-occurring

¹ See BOP, Clinical Guidelines for Social Work Professionals, Discharge Assistance, Community Transition Checklist (2002) available at <http://www.bop.gov/resources/pdfs/discharge.pdf>.

² If your client does not have a review scheduled in the near future, he/she may want to raise the change of address with staff via a BP-9 or "cop-out."

³ See <http://www.uscourts.gov/FederalCourts/ProbationPretrialServices/Supervision.aspx>.

⁴ BOP staff sends to the probation officer the following, among other documents: Supervision Release Plan, final progress report, and material relevant to transitional treatment needs for substance abuse and mental health, including medication regimens.

substance use disorders. They should plan for the treatment and services that are required to address the individual's needs, identify community and correctional programs responsible for post-release services and coordinate the transition plan to avoid any gaps in care with services. Probation also should assist in the application and enrollment process for people who are eligible for income supports and benefits.

Ideally, programs and services should aim to address individuals' key areas of need (livelihood, housing, family, health, criminal justice compliance, and social/civic connections) at different stages of reentry.⁵

The Probation Office generally takes 30 days to approve, require modification of, or disapprove the release plan. Where the prisoner will be on supervised release, disapproval of the plan will not affect the prisoner's release to the community. Probation officers are encouraged to work toward release plan modifications and address any identified transition issues. It is anticipated that probation officers will be authorized to furnish information about prisoners in prerelease custody to attorneys preparing clemency petitions. A signed release from your client consenting to the disclosure may be required.

Halfway Houses/Residential Reentry Centers (RRCs)

Eligible inmates will be released to a halfway house, also referred to as a Residential Reentry Center (RRC) or Community Confinement Center (CCC), with which the BOP contracts to provide housing and programming.⁶ Here, inmates remain under BOP control. The halfway house provides job placement, counseling, and other services, including transitional substance abuse treatment for prisoners who have completed residential substance abuse treatment (RDAP)⁷ while in prison. Other inmates identified as needing drug treatment may also participate in community drug treatment. The BOP is required by statute to provide residential substance abuse treatment and appropriate aftercare for all eligible prisoners based on their proximity to release.⁸

The halfway house placement process usually begins approximately 17 - 19 months prior to the projected release date. In 2008, the Second Chance Act lengthened the amount of time an individual may be placed in a halfway house from 6 months to 12 months.⁹ In practice, the majority of prisoners get no more than 6 months halfway house time.¹⁰ Prisoners must pay a halfway house fee equal to 25% of the prisoner's gross income, but cannot be required to pay more than the average daily cost of their halfway house placement.

⁵ See http://www.wpaonline.org/wpaassets/WPA_Success_in_the_Community_Matrix_6.11.pdf.

⁶ Community confinement is not ordinarily available to inmates who require inpatient medical or mental health treatment, refuse participation in certain programs, including the Release Preparation Program, have unresolved pending charges or detainers, are deportable, have repeated, serious rule violations or a history of repetitive violence or escape, among other limitations. See BOP Program Statement 7310.04, Community Corrections Center (CCC) Utilization and Transfer Procedure, at 10-11 at www.bop.gov.

⁷ See BOP Program Statement 5330.11 at www.bop.gov.

⁸ See 18 U.S.C. § 3621(e).

⁹ See 18 U.S.C. § 3624(c); 28 C.F.R. § 570.21(a).

¹⁰ See 28 C.F.R. § 570.22.

Inmates with minor medical conditions or disabilities may be considered for community placement. The BOP is required to ensure that prisoners in community confinement have access to necessary medical care, mental health care, and medicine through partnerships with local health service providers and transition planning.¹¹ The BOP is supposed to cover the costs. BOP policy denies placement when an inmate has more serious medical needs. An agreement between BOP and probation may provide for the use of probation's Second Chance Act funds to enable the inmate to be released to home confinement as long as he or she is considered low risk. The inmate must be approved for home confinement after the warden initiates the request.

In some instances BOP may determine that the prisoner is not in need of any reentry services, or as noted above, *see supra* n. 6, may be denied halfway house placement for some reason, despite their need. For instance, an unresolved pending charge or detainer¹² will preclude halfway house placement no matter how trivial the underlying offense may be. Attorneys may want to consider trying to resolve this with a letter or phone call to the agency or jurisdiction that issued the detainer, or by enlisting the help of the Assistant U.S. Attorney if he or she supports clemency. The AUSA may be willing to contact the jurisdiction and request the charges be dropped or the detainer withdrawn. Some state prosecutors may be willing to do so, as well. A court appearance may be required. If you are not in the best position to negotiate or appear in court because, for example, you do not ordinarily practice criminal law, you do not have a working relationship with state and federal prosecutors, and/or you are not admitted to practice in the jurisdiction, the local Federal Public Defender office may be able to advise you.¹³ If a prisoner is being denied halfway house placement, the probation officer should determine why, prepare a prerelease plan that provides for continuity of treatment and medication regimens, and arrange for appropriate housing.

When the prisoner is being released to a halfway house, the PO and those assigned to the case to provide re-entry services are expected to maximize continuity of services especially to address issues of substance abuse, mental health problems, and psychotropic medication needs. The PO should meet with the prisoner and staff within 10 days after his or her arrival at the RRC where RRC placement is for four months or less, or approximately 120 days prior to release to supervision for those placed for longer periods of time, to discuss available options in view of the offender's resources and community ties, and to agree to a release plan and what the prisoner is obligated to do to prepare for release.

Attorney General Holder recently announced new requirements for federal halfway houses to enhance treatment services for inmates prior to release. Under the proposed new requirements, the BOP will require halfway houses to provide a specialized form of treatment to prisoners, including those with mental health and substance abuse issues. Most significant is the requirement for standardized Cognitive Behavioral Programming at all federal halfway houses.¹⁴ BOP, as part of this requirement, is

¹¹ See 18 U.S.C. § 3621(g)(1).

¹² A detainer is a request filed by a criminal justice agency to hold the defendant in order to assure his appearance to address a pending case or to serve another sentence in a different jurisdiction.

¹³ If the local Federal Public Defender office is unable to assist, and you are a pro bono lawyer, contact appropriate resource counsel through the applicant tracking system.

¹⁴ Cognitive behavioral (CB) programs emphasize individual accountability and attempt to teach prisoners to understand the thinking process and choices that immediately preceded their criminal behavior. Learning to self-monitor thinking is typically the first, step after which the therapeutic techniques seek to help them identify and correct risky, or deficient

setting guidelines for instructor qualifications, class size and length, and training for all halfway house staff. Halfway houses will also have to provide greater assistance to inmates seeking jobs by permitting cell phones to be used by inmates and providing funds for transportation. Increasing the use of GPS electronic monitoring will allow more inmates to utilize home confinement as a reentry method.¹⁵ Modifications are being made to standard contracts to provide public transportation vouchers or transportation assistance to help residents secure employment.¹⁶ These changes should improve the chances of success for inmates released after their sentences are commuted.

Note on Post-Release Employment

Prior to release, the BOP arranges for prisoners to obtain a social security cards (mandatory) and, if possible, a drivers' license and copy of birth certificate for seeking employment, applying for benefits and other purposes. Approximately 16% of prisoners have worked in Federal Prison Industries (UNICOR) gaining job training and skills in metals, furniture, electronics, textiles, and graphic arts. According to the BOP, FPI provides inmates with an opportunity to develop work ethics and skills, contributes substantially to lower recidivism and increases job-related success of inmates upon release. A study by the BOP's Office of Research and Evaluation found that inmates involved in FPI work programs are substantially less likely to return to prison with 24% less likely to recidivate for as long as 12 years following release as compared to similarly situated inmates who did not participate. They are 14% more likely than non-participants to be employed 12 months following release from prison.¹⁷ The BOP has established a bonding program for all federal prisoners who were employed by UNICOR for at least six months, consecutively or cumulatively, during their incarceration. It provides a \$5,000 "fidelity bond" as insurance to indemnify employers that hire these ex-prisoners. The inmate must seek coverage within one year of release and he or she is entitled to bond coverage for one job after release from a halfway house is completed.¹⁸

Information for Clients Who Have Not Completed the RPP or a Proposed Release Plan

Some prisoners seeking clemency will not have completed the RPP or a proposed release plan since they are not nearing release. As a consequence, they may not have any awareness of employment

thinking patterns. All CB interventions employ a set of structured techniques aimed at building cognitive skills in areas where prisoners show deficits and restricting cognition in areas where their thinking is distorted. These techniques typically involve cognitive skills training, anger management, and other components related to social skills, moral development, and relapse prevention. CB therapy has been found to be particularly effective in reducing recidivism. The effects of CBT have been shown to be greater for higher risk "offenders" than those with lower risk of recidivism, contrary to any presumption that the higher risk are less amenable to treatment. See Lipsey MW, et al. *Effects of Cognitive-Behavioral Programs for Criminal Offenders*. Center for Evaluation Research and Methodology, Vanderbilt Institute for Public Policy Studies, Campbell Systematic Reviews, at 4-6, 12, 21, 23 (Aug. 2007).

¹⁵ Home confinement is a program that restricts the individual to his place of residence continuously, except for authorized absences for work, treatment or programming, often enforced by electronic monitoring (ankle device) by the probation office. The BOP may place a prisoner on home confinement for 6 months or 10% of their sentence, whichever is less. 28 C.F.R. § 570.20(b).

¹⁶ See DOJ Press Release, March 24, 2014 at <http://www.justice.gov/opa/pr/2014/March/14-ag-301.html>.

¹⁷ See FPI and Vocational Training Works: Post-Release Employment Project (PREP) at http://www.bop.gov/resources/pdfs/prep_summary_05012012.pdf.

¹⁸ Details about the bonding program are at <http://www.bop.gov/resources/pdfs/toolkit.pdf>.

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opportunities that are available upon release or the tools to help them find a job. Also, the Probation Office will not have completed any investigation or identified job opportunities or transitional services for such inmates. An attorney preparing a petition should contact those in the Probation Office in the sentencing district who are assigned to reentry services and determine what resources are available in the community. Again, community resources may not be available in every jurisdiction. Consult the state's reentry services directories¹⁹ and available lists of community based reentry programs²⁰ to see what other resources may exist. The Department of Labor has recently awarded several grants for adults on supervision. If you have a client returning to these areas, you should find out if he or she is eligible for these services.²¹ Also, Second Chance Act funds may soon be reauthorized for probation offices to utilize for reentry programs. You should check with the probation office in the district to find what programs, if any, are available through the Second Chance Act. The attorney should consult the PSR and BOP information for the prisoner's education level, job skills and work history. There are positive reentry implications of an inmate's educational/vocational training in prison, or participation in faith-based prison programs. Ask the prisoner for copies of any education certificates, diplomas, transcripts, and other documents he or she has attained while in prison. Find out if the prisoner has any offers of employment or contacts in the community who may assist with employment. Contact that person and obtain a letter confirming any employment offer including wages and benefits, if possible.

Information for "High-Risk" Clients

Prisoners who have served long sentences and have few resources or community ties are considered by Probation to be higher-risk requiring more intensive reentry services. The most common "high risk issues" that will require intensive reentry services are:

- Substance abuse problems that require treatment and monitoring upon return to "use-triggering environments"
- Mental health problems that require treatment and medication
- Third party risk issues with former or potential victims
- Inadequate skills or education to enter the workforce
- Unstable marriages or relationships, including family members who may have suffered emotionally and/or financially from the offense and incarceration
- Disputed or unstable custody arrangements for children or other dependents

Attorneys preparing petitions must determine from the Presentence Report, BOP programming information, and communications with the client what, if any, "high risk" issues exist that may pose an obstacle to successful reentry and how they will be adequately addressed. For instance, some people return to the same situations and social networks in which they were involved before prison and end up returning to the same patterns of drug use and criminal behavior. Environmental triggers can dominate

¹⁹ <http://csgjusticecenter.org/reentry/reentry-service-directories/>

²⁰ See the DOJ's list of resources: <http://www.justice.gov/archive/fbci/docs/fed-prisoner-reentry-resources.pdf>;
The Justice Center Report highlighting successful programs in 8 states: http://csgjusticecenter.org/wp-content/uploads/2014/06/ReducingRecidivism_StatesDeliverResults.pdf;

The Council on Crime and Justice's list of resources in Minnesota:
<http://www.minnesotarecovery.org/files/CCJ%20Resources.pdf>

²¹ <http://www.dol.gov/opa/media/press/eta/ETA20141195.htm>

individual motivation. If it is possible to show that drug treatment in prison will not be undermined by a return to the original environment, this should be emphasized in the petition. Perhaps the prisoner's family with whom he or she will live has moved away from the area where the temptation to use drugs was high. Post-release treatment that will follow in-prison drug treatment, such as the community based component of the BOP's Residential Drug Abuse Program (RDAP) can demonstrate continuity of care during the transition.²² Prisoners who completed the in-prison portion of the RDAP are required to participate in Transitional Drug Abuse Treatment (TDAT). Treatment is immediately available upon transfer to the halfway house or home confinement. Treatment providers must provide from one to four hours of substance abuse treatment weekly including individual, group, or family counseling.

Additionally, linkage to health services after release is critically important and can sustain treatments that began in prison. The Affordable Care Act, given the expansion of Medicaid eligibility, the mandate to enroll disadvantaged populations; and the inclusion of prevention, early intervention, and treatment for mental health problems and substance use disorders as essential health benefits, will provide greater access to care and services for many ex-prisoners. The ACA could remove some of the financial barriers to care upon reentry. Note: In states that have not expanded Medicaid, mental health and substance abuse services are not covered. The ACA requires a single, streamlined application to evaluate eligibility for both Medicaid and federally subsidized health coverage offered by the health insurance Marketplace, meaning that the submission of a single application will be sufficient to ensure that an individual's eligibility for enrollment in either type of health care coverage is considered. Individuals working on behalf of incarcerated individuals may serve as an authorized representative of incarcerated individuals for purposes of submitting a Medicaid application on such individual's behalf. The Medicaid statute provides that the agency must allow any individual of the applicant's choice to assist in the application or renewal process.²³

BOP based programs are designed to address the factors that make individuals "high risk" or more likely to recidivate including:

- Cognitive-behavioral/residential treatment that focuses on developing interpersonal and problem solving skills, pro-social behavior, criminogenic²⁴ risks and needs that affect involvement in criminal conduct, assuming personal responsibility for behavior and planning for release ("BRAVE" Program);
- Cognitive-behavioral residential program for substance abuse and/or mental illness ("Challenge" Program);

²² RDAP consists of three phases of treatment, including (i) at least 6 months in a special unit and 500 hours of activities, (ii) follow-up services if time allows between the unit and community treatment, and (iii) Transitional Drug Abuse Treatment (community drug treatment program) for a minimum of 120 days. The majority of inmates participating in community drug abuse treatment are graduates of RDAP. RDAP prisoners who don't complete the TDAT program will not graduate RDAP and will be unable to receive any RDAP sentence reduction they might otherwise have been eligible for. See BOP Program Statement 5330.11 at www.bop.gov.

²³See 41 C.F.R. § 435.908; Federal Register: <https://www.federalregister.gov/articles/2012/03/23/2012-6560/medicaid-program-eligibility-changes-under-the-affordable-care-act-of-2010>

²⁴ E.g. anti-social values, criminal peers, substance abuse, dysfunctional family, low self control, and criminal personality.

- Substance abuse treatment utilizing cognitive behavioral interventions for prisoners with a documented and verifiable substance abuse disorder (Residential Drug Abuse Program (“RDAP”) and Nonresidential Drug Abuse Program);
- Drug Abuse Education;
- Parenting programs designed to strengthen positive relationships;
- Treatment to address trauma-related mental health needs for women through cognitive, behavioral, and problem-solving interventions (“Resolve” Program);
- Residential treatment for male prisoners with intellectual disabilities and social deficiencies using cognitive behavioral treatments, cognitive rehabilitation, and skills training (“Skills” Program);
- Residential treatment for inmates with serious, chronic mental illness. The goal of the step-down unit is to provide treatment that is evidence-based, maximizes functioning, and minimizes relapse and hospitalization using cognitive behavioral therapies and life skills training (“Mental Health Step Down” Program);
- Residential faith-based program is a residential multi-faith restorative justice program which focuses on responsible parenting, budgeting, marriage enrichment, religious tolerance, respect. Participants are matched with volunteer mentors of their faith who visit weekly and are linked with a church or group at their release destination in order to enhance community reintegration. (“Life Connections” Program).

Attorneys preparing petitions should check the BOP information to identify any such programming and treatment in which individuals have participated. This information will help to formulate plans to transition them to continuing services in the community. An overview of these programs, including length, criteria, and content is available.²⁵

Reentry Court Programs in the Federal System for High-Risk Clients

Individuals on supervised release are under the jurisdiction of the court and are the focus of federal reentry programs. A number of districts have judge-involved reentry court programs, also referred to as “specialized courts,” which target higher-risk inmates most in need through individualized assessment of their criminogenic risks and needs. Some programs include only inmates with substance abuse issues. Some courts accept only volunteers, whereas others mandate participation by all individuals whom the probation officer and judge believe need intensive supervision. Other supervision programs may require less intensive use of judicial resources. In most programs, the ex-prisoners agree that jail time is one of the sanctions that may be imposed if he or she is noncompliant. The primary incentive offered for participation is a reduction in the term of supervision for those who graduate with

²⁵ http://www.bop.gov/inmates/custody_and_care/docs/BOPNationalProgramCatalog.pdf.

the reduction varying depending on the length of supervision. A list of all programs available by district as of 2013 is available and should be consulted.²⁶ Additional programs have been added or are in the planning stage.²⁷ Attorneys should therefore check with the probation office to determine what programs might be available for clients.

Federal Policies that Affect Ex-Prisoners

There are various collateral consequences that attend criminal convictions. Some are imposed automatically by operation of law and others are imposed at the discretion of agencies. They include ineligibility for federal welfare benefits, prohibitions on forms of employment and employment-related licensing, and deportation for non-citizens among many others. Those convicted of drug offenses face a host of collateral consequences under federal and state law. Attorneys addressing reentry in clemency petitions should be aware of the wide range of consequences as covered in the Collateral Consequences Resource List²⁸ and the American Bar Association's National Inventory of Collateral Consequences.²⁹

The Reentry Council established in 2011 by Attorney General Holder is focused on eliminating barriers to existing federal policies affecting ex-prisoners. Fact sheets that clarify policies relating to ex-prisoners and their families such as public housing, employment, parental rights, Medicaid suspension/termination, and more are available and should be consulted.³⁰ For example, most ex-offenders are not categorically banned from public housing. Also, if a prisoner was receiving Social Security or SSI benefits before he went to prison, they were suspended, but Social Security benefits can be reinstated starting with the month following the month of release. If she was receiving SSI, her eligibility for benefits terminated and a new application for benefits is required. Benefits cannot begin until actual release. Official release documents from the prison will be required when the individual visits the local Social Security office. Attorneys preparing petitions should find out if the individual is/was eligible for SSI or SSDI benefits or any other publicly funded treatment services based on a disability (such as the Ryan White Care Act,³¹ a federal program dedicated to providing care and treatment for people living with HIV).

Pre-release applications and procedures are available for certain federal benefits (veterans, Social Security, food assistance, and student financial aid).³² Information about how to access federal benefits (veterans, social security, etc) is also available.³³ Social Security offers a prerelease application procedure which enables a claim to be filed several months before the scheduled release date. This may require the prison to have a prerelease agreement with the local Social Security office. This process allows benefits to start shortly after the individual is released.³⁴ Since applications for reinstatement of benefits can take a month or more to process, it is advisable to start early.

²⁶ See Reentry Court Information and Contact List, Federal Judicial Center (2013) (posted with training materials)

²⁷ E.g., District of Columbia, Rhode Island, Oakland, California.

²⁸ See <http://www.fd.org/docs/select-topics---sentencing/collateral-consequences-resource-list-6-1-10.pdf>.

²⁹ See <http://www.abacollateralconsequences.org/>

³⁰ See <http://csgjusticecenter.org/nrrc/projects/mythbusters/>.

³¹ <http://www.aids-alliance.org/policy/ryanwhite/>

³² See Id.

³³ Id.

³⁴ See Social Security Administration, What Prisoners Need to Know at <http://www.ssa.gov/pubs/EN-05-10133.pdf>.

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