

## Kelly Orians: Getting Out and Staying Out by Leslee Goodman

Kelly Orians is a staff attorney at The First 72 Plus, a New Orleans nonprofit founded by six formerly incarcerated people to help other formerly incarcerated men and women navigate the first 72 hours of their release. She is also the co-founder of Rising Foundations, a partner nonprofit that provides pathways to self-sufficiency for formerly incarcerated people, with an aim to stop the cycle of incarceration in low-income communities through small business development and home ownership.

Even as a high school student growing up in Castle Rock, Colorado, and then as an undergraduate at the University of Colorado at Boulder, Orians was attuned to the failures and injustices of the correctional system. Her college thesis addressed the effect of public housing policy on the lives of mothers in the Brownsville neighborhood of Brooklyn, New York, whose children were too often caught up in the criminal justice system. After graduating summa cum laude, she spent four years as a project coordinator for the Juvenile Justice Project of Louisiana, managing a statewide advocacy campaign to end life without parole sentencing for juveniles (JLWOP). She helped to create public policy and litigation strategies that made JLWOP unconstitutional in non-homicide cases. She supported the legal team that secured the release of the first two people under the *Graham v. Florida* decision, drove the men home from the Louisiana State Penitentiary at Angola, and continues today to assist them with their reentry.

In 2012, Orians was accepted into the David J. Epstein Program in Public Interest Law and Policy at the UCLA School of Law, where she focused on community and economic development, criminal procedure, social entrepreneurship, and the collateral consequences of incarceration. In 2013, she started a Communal Re-Entry Fund, which provided 0% loans to people leaving prison in Louisiana after being sentenced as juveniles to life without the possibility of parole.

In May 2015, Orians received her juris doctorate and later that year was awarded a prestigious Echoing Green Fellowship to launch Rising Foundations with her co-founder and friend, Calvin Duncan. In May of 2016 she was sworn into the Louisiana State Bar. Though her colleagues include men who served decades as a result of wrongful convictions and virtually all of her clients face daunting odds against their success, she remains optimistic about her work, inspired by the spirit of the people who have survived our criminal justice system. — Leslee Goodman

**The MOON:** Most Americans are not aware of the obstacles that formerly incarcerated people face in order to avoid re-incarceration. Can you describe some of them?

**Orians:** Yes, but first I want to say, though, that more and more people are aware of the big barriers, like access to housing and jobs. Particularly among millennials, I've found an awareness that the United States is the incarceration capital of the world, and Louisiana is

the incarceration capital of the U.S. But there are other barriers that make it extremely difficult for people to avoid being re-incarcerated. Actually, just avoiding re-arrest in your first 72 hours is exceedingly difficult—which is how our organization got its name. For instance, in Louisiana, upon your release you're given a check for \$10 and a bus ticket. If no one is available to pick you up at the gates of the prison, a correctional officer will give you a ride to a bus stop in Baton Rouge, and from there you are on your own. That is actually how a couple of our co-founders made their way home, so it makes sense that one of the first services we chose to provide was simply a ride home from prison.

In most states, our prisons are far away, out in the country, out of sight, out of mind. Plus, it's also standard practice to release people just after midnight so the facility can charge the state for an extra day of incarceration. So there you are, in the middle of the night, in the middle of nowhere, with a bus ticket when no buses are running, and a \$10 check that you can't cash because nothing is open and you don't have ID. You also probably don't have a copy of your birth certificate and social security card, which are necessary to get a state ID in Louisiana, which, by the way, costs \$18. You just got out, but you're already eight dollars behind. Typically, it gets worse from there.

For several years Louisiana has had a law that mandates that folks be released with state identification cards, but it's still not being implemented uniformly. So the first thing most formerly incarcerated people need is a ride home from prison. Otherwise, you're going to take the bus back, and it's going to drop you off at Tulane and Broad, which is an intersection in New Orleans where the Orleans Parish Prison is located. Then, within 72 hours, you need to check in with your parole or probation officer, whose offices are, of course, way across town. So you're facing a hurdle of transportation trying to get anywhere you're supposed to be or risk violating the conditions of your release.

Remember, too, you're still under the custody of the Department of Corrections; they're just allowing you to operate outside of prison walls. So you have to be very mindful of whose car you get into because you're immediately susceptible to what are called "technical violations," or even more serious actual violations, if the driver is pulled over. If you're riding in a car with somebody who's in possession of marijuana, or a gun, or even driving without a license and insurance, which is incredibly common in Louisiana, and get pulled over, that interaction alone could violate the terms of your release, even if it's something incredibly innocent. For example, I had a client on probation who was pulled over in a car containing the driver's wife's purse. In the purse was a single tablet of naproxen, something a lot of women use for menstrual cramps. Naproxen is not even a Schedule One narcotic. It's available over the counter. But the officer saw the pill, didn't see a prescription, and ended up arresting everyone in the car. Even after the judge expressed dismay during the bond hearing, my client had to remain in jail until his sentencing judge lifted his "probation hold." Thankfully he was on probation and not parole. If he were on parole, the decision to release him would have been the exclusive decision of the parole board, located in Baton Rouge. In those cases, even if the recommendation from your parole officer is, "He didn't violate," you still have to wait for the review process, which can take up to 90 days. In the summer of 2016, when Baton Rouge flooded, I had a client who was incarcerated almost four months until the parole board resumed operations after the flooding.

As a white woman, I have lived a pretty privileged life. So I am routinely astounded by obstacles and injustices that my clients have had to learn to accept. Things like the frequency and significance of traffic stops. I was not a very good driver as a teenager, so I did get some tickets, yet I can still count on only two hands the number of times I've ever even been stopped by police. When I first started practicing as an attorney, my first nine

clients combined had been ticketed more than 115 times. They'd undoubtedly been stopped many more times than that. All but two of their tickets were for non-moving violations, like no ID, not wearing seat belts, tinted windows that were too dark, or things hanging from the rearview mirror. Many NAACP chapters have been very vocal in their opposition to laws that make it illegal to hang things from your rearview mirror, the argument being that enforcement is too often used as a cover for racial profiling in traffic stops.

A large part of my legal practice is representing people over traffic stops and driver's license suspensions because their net result is to make it very difficult for people to get around the city, comply with the terms of their release, and even get a job. It's often the case that a driver's license gets suspended while someone is in prison or jail—either because it expires while you're locked-up, or because you have outstanding traffic tickets that aren't paid because you're locked up, or because your insurance lapsed after you got locked up and you failed to surrender your license plates—because, after all, you were locked up. That's the case with almost 100% of my clients.

The lack of a driver's license is a barrier not just to transportation, but also to employment, as many of the most likely jobs for formerly incarcerated people—such as working in a warehouse and operating a forklift or other type of equipment—require a driver's license. Because Louisiana uses prison labor to staff many basic prison functions, as well as to maintain many state buildings and grounds, a lot of folks come home with pretty good job skills. It's an ironic tragedy that in Louisiana it's easier to get a skills-based education in prison than if you graduate from high school. So, you come home with skills, but you need a driver's license in order to access the jobs.

I will say there has been a ton of progress, not just in Louisiana but across the country, in “banning the box” and getting employers on board with hiring formerly incarcerated people. In Louisiana, under the leadership of Kenneth Polite, our former chief prosecutor and the U.S. attorney for southeast Louisiana, we've recruited over 30 businesses—major employers from around the region—to affirmatively hire people coming home from prison. Every month, members of my staff take business owners on tours of the prison to see the training programs, meet prospective employees before they're out, and even become engaged in the reentry process. But what's still problematic is access to a driver's license, as well as access to even small amounts of money to afford the clothes and tools necessary to take the job; maybe even a phone so that they can show up on time—the first day and every day thereafter.

Housing is another obstacle. In fact, stable housing is often a condition of release. In New Orleans, we don't have the “tent cities” and large numbers of people sleeping on the streets that you might find in Los Angeles or Portland. Although we certainly have some people living on the streets, very few of my clients coming home from prison are “homeless” in the traditional sense. The community, mostly women, absorbs a lot of these folks, letting friends or family members couch-surf. Even though that's undoubtedly better than sleeping under a bridge, over time, it erodes your dignity and gives you the sense you're not able to survive on your own. Worse, you have no control of—and might not even know—what goes on in someone else's house. If anyone in the house is involved in illegal activity (or even just suspected) and the police are called, you will suffer the consequences, even though you may not have even been aware of it. Also, you may again be exposed to behaviors you're trying to get away from. So the housing issue is crucial, and addressing it is very challenging. At First 72, we only have six beds and two couches. On November 1st, 2017, when several hundred New Orleans residents were released early because of a bipartisan piece of Louisiana legislation called Act 280, the Justice

Reinvestment Act, many had to go to homeless shelters, or temporary shelter beds set up in church by one of our founders, Pastor Tyrone Smith. But that was just an emergency response, not a long-term solution.

By the way, the Justice Readjustment Act has a lot of really exciting components to it. Among the biggest were that over 9,000 people were released from prison early—some of them only a month early; some several years early. The Act also reined-in some of the requirements for probation and parole, making more people eligible for it and making it harder to send people back to prison for technical violations. The savings realized by depopulating our prisons are meant to be invested into reentry programs to ensure that formerly incarcerated people don't end up back behind bars.

The MOON: I've also heard that formerly incarcerated people can't go home to family if anyone in the household is currently involved with the criminal justice system because then they're associating with known criminals. I spoke with one Goodwill client who spent his first night in a park swing because he had nowhere else to go. Can you speak to that?

Orians: Absolutely. In a city where one in seven African-American men are currently under some form of correctional supervision, you can see how the options for formerly incarcerated people are severely limited. At First 72, we estimate that there are several hundred people in prison simply because they can't give a reportable address. And in truth, you don't want to be released to the streets. Maybe not everybody would admit it, but I've sat across the bulletproof glass at OPP with several clients who have said that, of all the time they did in prison, the time when they first came home was the most difficult. So, if you have nowhere to go, it's often better that you don't leave. That's just the reality of it. First 72 is the only transitional housing program in the city dedicated to formerly incarcerated people, and we compete for affordable housing with all the other folks struggling to find a place to live, such as women fleeing domestic violence, people with chronic mental illness, people dealing with substance abuse and opiate dependency, and people who lost their homes because of healthcare debt, loss of a job, or other financial circumstances.

The MOON: It seems as if we're intentionally setting people—predominantly poor and African-American people—up for failure.

Orians: Yeah. Well, there's no right to housing or to a job in this country. I do like to be positive, however. I don't know if I could stay in this line of work if I didn't feel some optimism or hope. There is a very unique court program now that—in essence—shares the housing and employment responsibilities among court staff, private social service agencies, probation and parole, and formerly incarcerated people themselves. As long as they are working toward securing a job and a place to live, they're not going to be rearrested for technical violations. The name of the program is the Reentry Workforce Development Program, but we just call it Reentry Court for short. It was started by Judge Laurie White and Judge Arthur Hunter in New Orleans in 2010 and has expanded through the five biggest parishes with incarceration issues. It's in the process of expanding statewide. At this moment, it is exclusively for people serving for non-violent crimes. I've had clients accept a longer sentence in order to plead into the program because of the value it offers. I've also had clients plea into the program to avoid life sentences because, if you've had four or more felony convictions you are labeled a "quad" and your sentence can be multiplied by four, resulting in what's functionally or literally a life sentence. However, Reentry Court only has the capacity for about 200 people—out of 48,000 incarcerated in Louisiana.

In Reentry Court, people have to serve a minimum of two years and remain under supervision when they get out for several more years. But while you're in, you have access to 22 different nationally recognized certification programs. Many of them are in construction and automotive industries, but we also have culinary and some medical professions. Program participants have to secure at least two certifications. They also have to earn their GED, or the HISET, which is what we call it now, if they don't already have that or a high school diploma. They also have to attend several hundred hours of rehabilitative programming.

What's perhaps most unique and interesting about the program is that it entails virtually no additional cost to the state because the people who run it are all prisoners—lifers without the possibility of parole at Angola. They even run the fundraising so that when participants are ready for release, they're able to set them up with tools and other things they need to take the job that Reentry Court has arranged for them. In theory, this program allows for a seamless transition to start their job and new life on the outside. It is very important to note however, that almost all of the dedicated men and women who run this program are serving life sentences, with no hope of release. Considering the really positive impact they are having on our communities, that is really tragic.

The MOON: And what about the housing aspect?

Orians: The housing remains a problem. Some people who've only been incarcerated a couple of years have stable family who can house them, so long as they get support with the other issues. That's where our organization comes in. We provide all of the case management and wrap-around services required for Reentry Court. That includes a formal case management system that operates on what we call a near-peer mentor model, or peer-advocate model. We train formerly incarcerated folks who have gone through the re-entry process and achieved some stability and self-sufficiency for themselves, and they help guide others through the process. People closest to the problem are closest to the solution and it is their wisdom and experience that makes our organization successful.

We also have a free legal services clinic, primarily aimed at helping people rejoin the workforce by helping with issues like driver's license reinstatement, debt and wage garnishing, obtaining transportation worker identification credentials (aka TWIC cards), which are needed in order to work anywhere that is supervised by the Department of Homeland Security. As a port city, this is big for us. We also do some family law, as well.

We also set aside two beds just for people coming out of Reentry Court if they're needed. Our next referral housing source is Volunteers of America, which provides below-market apartment housing for a \$75 deposit and \$50 a month rent. We'll pay for that initially, and then ideally, once men have worked a month, they can make subsequent payments on their own. But VOA's housing is limited, so we have been in circumstances where we had to pay the security deposit and first month's rent on a market-rate apartment because we just couldn't figure out another way and the client needed to start the job. We found a property manager who would rely on our reputation to rent to someone without rental history, without credit history, and with a felony conviction, who was literally just coming home from prison. This speaks to some of the other housing barriers formerly incarcerated people face. It's not just the felony conviction; it's the lack of credit history and rental history. Even if a landlord doesn't care that you went to prison for selling drugs, they are going to care that you have no documented credit. So that's where we have to hustle and, as matters currently stand, we have wait.

The MOON: I'm sorry to be discouraging because I'm so grateful for all that you're doing,

but according to your website some 15,000 people are released from prison annually and you can house only six at a time.

Orians: Right. Or eight if they sleep on the couch.

The MOON: So, is there a plan to scale this? Men are just going to end up back in prison if they don't have a reasonable shot at gaining housing and employment on the outside.

Orians: Yes, definitely. We're raising money for a second house now. Housing, however, is expensive. Even if the house is donated, there are still repairs, taxes, insurance, utility bills, and maintenance costs to cover. We recently had a massive plumbing problem and had to quickly come up with \$4000 to replace a line.

Where do we expand from here? We have so much to do to meet the immediate needs of our clients; it's hard to think about taking on more. Plus, the success of our housing program is the access to wrap-around services, which are presently located right next door. Monday through Friday, nine to five, clients have immediate access to people who can help with advice, computers, internet access, food if they need it, that sort of thing. So we'll probably always stay small-scale. We really don't want a huge building, because it destroys the sense of community that formerly incarcerated people need to replace the dysfunctional community they're leaving behind. Nevertheless, we're in the process right now of scouting for available houses. New Orleans has a huge blight and abandonment problem, so we might be able to find and renovate something suitable, or acquire an empty lot and build what we need. But we're always going to take it in smaller bites because we've found that it's really crucial right when you come home to have a community that can support you and that stays positive. Nevertheless, it haunts us every single time that someone arrives, desperate for a place to live, and we can't find a place for them. Sometimes all we can do is provide a backpack, so that if they have to couch-surf, or even sleep on the street, they have something besides a garbage bag or a pillow case, to put their belongings in. Then, at night, they sleep where they can and, during the day, they come to our office and either get stuff done, or just take a nap because they weren't able to sleep the night before.

It would definitely help if we just stopped locking so many people up. But another reality we have to confront is that, whether or not you've been to prison, a lot of New Orleanians are still struggling every single day to find and maintain affordable housing and gainful employment. We get a lot of people who bring their friends and family with them to our office who are more-or-less facing the same problems they are facing. Louisiana is a state where over half the population could not survive a \$500 emergency. If such an emergency came up they would not be able to pay their rent or other obligations and could lose their housing, their job, their kids. I've had clients tell me that they had been struggling their entire lives, but it wasn't until they got arrested and locked up that anyone cared.

The MOON: Have churches been helpful?

Orians: Yes, in that some of them conduct resource drives to get the men what they need. But in terms of providing housing, not really. It's not just a matter of providing beds, or cots. The men also need showers and a kitchen. If a church had all of that and was able to offer a literal sanctuary for our clients, that would be wonderful, but we haven't seen it yet. We don't want to shame people into offering it, but if you've got the resources, this is a truly urgent and ongoing crisis that is not going away any time soon.

The MOON: You've seen firsthand some of the tragic collateral consequences of incarceration. Would you mind talking about some of them?

Orians: Actually, a particularly poignant example took place recently just outside our office, which is directly across from Orleans Parish Prison. A woman was standing outside the prison, holding her year-old baby. The prison dayroom faces the street, where her husband was standing in the window to watch his daughter take her first steps. The parents were calling back and forth to each other—doing “prison face time,” as we call it, which means when family members come and stand in our driveway so that they can see their loved one. They might talk on the phone, as well, but they're standing where they can see each other. That's one kind of collateral damage—the harm done to the families, particularly the children, of people who are locked up. The children grow up without a parent, while the spouses carry on without a partner. Worse, the spouses—and the vast majority of them are women—end up feeling like they're in prison themselves. One of the biggest hits they take is the cost of prison phone calls. Ever since President Trump took office, the Federal Communications Commission has stopped trying to cap the rate that private companies can charge to provide prison phone services. The debt is just extraordinary. In-state phone calls can cost as much as \$10 - \$15 to originate, and then \$1.50 - \$3.50 per minute—billed to the family. For women who can't afford the cost, the only way to communicate with their partner is to visit in person during visiting hours—which is often not allowed if you have a record yourself—or to stand outside and yell to each other.

Post-release supervision is also a real crisis of injustice. A lot of my clients say that they would rather do time than be on probation because it's so difficult to comply with supervision requirements. It also means that whomever you're living with is subject to many of the same limitations that you are. Your house and car can be searched at any time. The details of the lives of everyone in your household are subject to scrutiny without warning, notice, or provocation.

Also, prisoners and formerly imprisoned persons are responsible for many of the costs of their own incarceration. If they fall behind on payment, they accrue additional fines and penalties. That's why, through our partnership with Rising Foundations, we also set up what we call the Pay It Forward Communal Loan Fund, which provides access to zero-interest capital for everything from paying off debt to starting small businesses. There are a lot of fines and fees that come with court involvement and missing any type of payment on those can lead to your arrest. So we provide zero-interest loans for people to pay off courts and law enforcement agencies. They then pay back the loan, but are not risking arrest if they fall behind on a payment.

People should also be aware that, under the 1996 Federal Welfare Reform Act, incarcerated people are classified as “voluntarily impoverished.” Therefore, any social services their families may receive—such as Medicaid or food stamps—are billed to them, and if they don't pay them—which, of course, is impossible in prison—they become child support debt and subject to additional fines and penalties. I had a client with four children come out of prison with over \$50,000 in child support debt—debt he “owed” because of the public benefits his children had received.

The MOON: But didn't these people bring this upon themselves? Why should we care about the treatment of criminals?

Orians: If concern for the basic humanity of a fellow human being is not significant enough to matter to you, then the cost of incarcerating and supervising so many people should

get your attention. I've already mentioned that in Louisiana large numbers of people are incarcerated simply for being unable to pay their debts. Thousands more are in jail for petty drug possession or other minor offenses. The Innocence Project (which uses DNA evidence to free people wrongfully convicted) has raised awareness of how many innocent people are behind bars. They focus on the people doing the longest time because that is the greatest injustice, so you can imagine how great the numbers of wrongful convictions there actually are. In fact, Louisiana leads the nation in wrongful convictions. There's also the question: when do we, as a society, say, "OK, you've paid your debt to society," and give people a second chance? It's worth considering that no other developed country locks as many people up as we do; treats them so inhumanely behind bars; and then continues to punish them after they're released.

Our propensity to lock people up imposes huge costs that reduce the tax dollars left to spend on goods that most people want—and that would help to keep people out of prison. I'm talking about things like education for children, quality healthcare, safe streets and bridges, job training programs, affordable housing, and so on. These are the things most people are happy to pay taxes for. But instead that money is used to incarcerate people, largely because of failures in these other sectors. Our prisons are a catch-all for every failure and problem within society. If you have mental illness, we send you to jail. If you're addicted to drugs, we send you to jail. If you don't have a job and do something illegal to pay your bills, we send you to jail. If you lie on your public benefits application because you actually are receiving cash under the table from the father of your children or your boyfriend, but still not able to pay your bills, or you're working 40 hours a week for minimum wage and still not able to pay your bills, we send you to jail. If you are dyslexic and struggling in school and you're acting up as a result and get in a fight with another student or your teacher, we call the cops and send you to jail. At least, if you're a person of color we do. Just as an aside, since Columbine, which was followed by the introduction of a lot of law enforcement into our schools, one of the biggest collateral consequences has been the expansion of the school-to-prison pipeline and the mass incarceration of black and brown children. Instead of going to the principal's office for acting up, we call the school resource officer who is a cop and can arrest you. We handcuff six-year-olds in this state for heaven sake.

Our approach has not worked. Our communities have not gotten safer. More guns and police, longer, tougher sentences, the whole "tough on crime" approach, hasn't worked. It does not make any sense to continue banging our head against the wall with it. I've spoken with many judges, police, probation and parole officers, wardens, correctional officers, who vehemently agree that this is just not working. And yet we report to work every single day—even myself, and I used to be a public defender—I'm just another cog in this machine that is rolling down the road crushing people, yet we haven't been able to stop it. We can do some damage control or repair, but we haven't been able to stop it.

The MOON: I'm glad to hear you say that there are law enforcement people who share your views, because I was speaking with some friends in Louisiana on Christmas Eve who were saying that the criminal justice system has gotten so huge, and it's responsible for the paychecks of so many people, that, like the military, it's going to be very difficult to shut it down.

Orians: Right. It's become an industry. I, myself, make my living off of it. Even though my salary is paid through philanthropy, my job is here because this system is here. But I know for a fact that there are a great many people who work in this system who really care about the people caught up in it. I once had a client who went back to his sentencing judge for the money to buy a pair of shoes for a job interview. The only person he could

think of who might care enough to give him the money was the person who'd sent him to prison. People like this judge are willing to try something new. I have probation and parole officers who donate clothes and food to our office. I know wardens and correctional officers who have personally driven people all the way home from prison because didn't want them to take that long drive alone on a bus. People like this are willing to try something new.

I used to be a public defender and was in court one day trying to get fines and fees waived for a client with several old tickets. Traffic fines and fees help fund the public defender's office. The judge looked at me and said, "Are you sure you want me to waive his fines? You'll be short-changing your own office. That seems like a conflict of interest." He was right. Which doesn't mean we should keep saddling people with fines and fees; but it does mean that we'll have to figure out another way to fund the public defender's office. We cannot simply turn a blind eye to an unjust system because we need the money. There are a lot of good people working in the system who agree with this. They have witnessed the abuses of the system and they know we need to try something radically different.

The MOON: The theme of this issue is lessons learned behind bars. What are some of the ways you've been touched or educated or enlightened by people who've been behind bars?

Orians: Everything I've learned about the need to reform the system—and what reforms might actually be helpful—has been through the experience of people who have survived it. They have also taught me a lot about why people end up in the system in the first place, and what they need in order to stay out of it. They've also taught me that many people in the system have very serious problems that they wish they didn't have to go to prison to get help for. I've learned that some prisons have strong educational programs, and that these are terribly important. I've met people coming out with tremendous skills as a result of the education they received in prison. People in prison also show tremendous ingenuity and creativity. I don't know if you've ever seen a prison cookbook, but the recipes people create with the extremely limited resources available in prison are pretty astounding. There's a level of creativity and ingenuity that is almost dumbfounding. It's a testament to the human spirit that when you're faced with incredible opposition you can still be incredibly strong. That's been deeply inspirational.

The MOON: Can you give us any specific examples?

Orians: One is Derrick Perique, who is the program coordinator for the small business incubator at Rising Foundations. Derrick was facing a very long sentence because he was a "quad offender." It was his fifth felony conviction for distributing drugs and illegal possession of a firearm. But Derrick got the opportunity to go into Judge White's Reentry Court. As I've said, that program offers 22 job-training certification programs and Derrick chose optometry. The funny thing is that he chose it because it was offered in the hospital—one of the few buildings at the prison that is air-conditioned. In Louisiana, especially during the summer, that's a big deal. So he started learning to be an optician and make eyeglasses. His instructor was a civilian—a free person—who was diagnosed with cancer and had to take medical leave soon after Derrick started working with her. So he very quickly learned to make eyeglasses and was ultimately responsible during his almost three years in prison for making all of the eyeglasses for every person in prison across the state.

Derrick has an entrepreneurial spirit. Although his prior employment was selling drugs,

he was self-employed. He had strong entrepreneurial skills and wanted to use them legally when he got out of prison. Unfortunately, because of his felony conviction, he could never be an optician, so he decided to figure out how he could start his own optical business. He first took an administrative job at Pearl Vision in Maryland and learned the business side. Then he moved back to New Orleans, where he set up a home-based business doing optical work. We met in court one day when he'd come to ask Judge White for help getting his business off the ground. I'd published a paper in law school about how entrepreneurship could be a creative and possibly revolutionary strategy for folks coming from prison. When we met, we were on the exact same wavelength. He was doing what I had written about. The next day, we were up at 6:00 a.m., driving across Lake Pontchartrain to meet with another criminal court judge who was running another Reentry Court Program. From there, we launched the Rising Foundations small business incubator and got our first cohort of entrepreneurs—a few men Derrick had done time with. He is a wonderful example of the life transformation that is possible even for so called "repeat offenders."

We have so much human capital languishing behind bars. I hope we wake up to what a tragedy this is.