

---

---

# TEMPLE LAW REVIEW

© TEMPLE UNIVERSITY OF THE COMMONWEALTH SYSTEM OF  
HIGHER EDUCATION

---

**VOL. 89 NO. 4**

**SUMMER 2017**

---

## SPEECHES

### KEYNOTE PRESENTATION: SUPERVISION TO AID REENTRY (STAR) PROGRAM

*Judge Timothy R. Rice,\* Judge Luis Felipe Restrepo,+  
and Edwin Villanueva<sup>Δ</sup>*

*At this year's Temple Law Review symposium, "Rethinking Punishment: Sentencing in the Modern Age," Judge Timothy R. Rice, Judge Luis Felipe Restrepo, and Edwin Villanueva delivered the keynote speech about the Supervision to Aid Reentry Program, known as the STAR Program. It is a federal reentry court program that assists individuals returning from prison with employment, education, and other services. Judges Rice and Restrepo supervise the program, which began in 2007, and Edwin Villanueva is a STAR Program graduate. The following transcript has been edited and condensed for publication.*

**Dean Gregory Mandel:** Good afternoon, everybody. For those of you who don't know me, I'm Gregory Mandel, I'm the Interim Dean here at Temple law school. I want to thank you all for joining us for what has been, and will continue to be, a wonderful and illuminating conversation about rethinking punishment. It's my privilege to introduce our keynote speakers for the lunch session: the Honorable L. Felipe Restrepo of the Third Circuit Court of Appeals, [and to] his left Edwin Villanueva; Mr. Villanueva is a graduate of the Supervision to Aid Reentry Program, or the STAR Program. And to his left [is] the Honorable Timothy Rice; Judge Rice is a Magistrate Judge for the Eastern District of

---

\* Judge Timothy R. Rice is a U.S. Magistrate Judge for the Eastern District of Pennsylvania. Together with Judge Restrepo, Judge Rice created the Supervision to Aid Reentry (STAR) Program, which had its first session in 2007.

+ Judge Luis Felipe Restrepo is a U.S. Court of Appeals Judge for the Third Circuit. Together with Judge Rice, Judge Restrepo created the STAR Program, which had its first session in 2007.

Δ Edwin Villanueva is a graduate of the STAR Program.

---

Pennsylvania.

Mr. Villanueva is a graduate of the STAR Program, and since then, he has embarked upon a successful career with the Philadelphia Housing Authority. I'm also told that he recently adopted a child. Is that correct?

**Edwin Villanueva:** Yes, sir.

**Dean Gregory Mandel:** Congratulations. We are grateful to your family for lending you to us today, and to you for joining us and talking about the program. Judges Rice and Restrepo need almost no introduction. They are both fabulous jurists and fabulous individuals. We are very lucky to have them as long-term members of the Temple family. Judge Rice's relationship goes back a little bit further. He is both a graduate of the law school and served as Editor-in-Chief of the law review. Judge Restrepo we have to forgive for pursuing his J.D. elsewhere, but we are very grateful to have you as a member of our Temple law school family now.

As many of you know, in addition to their connections to Temple, Judge Restrepo and Judge Rice both have very distinguished and long careers in the law. I hope they will forgive, and you will forgive me, for cutting their introductions short, because I want, and I know all of you want, to hear all of the remarks from our three speakers about the STAR Program. So I am just going to focus on the accolades they have received for their work on this reentry program.

They were honored jointly for their work with the reentry court by the Philadelphia Bar Association, with the Justice William J. Brennan Distinguished Jurist Award. They've also been recognized for this and related work by the Hispanic Bar Association, which honored Judge Restrepo with the La Justicia Award. At Temple law school, they have both been recipients of the Gideon Award. So please join me in welcoming Mr. Edwin Villanueva, Judge Felipe Restrepo, and Judge Tim Rice.

**Honorable Timothy Rice:** Thank you, Dean. It's so great to be back at Temple. I see a lot of the professors who taught me; I see several of my classmates, and a lot of my current evidence students and former students are here. Thank you for having me back.

It's appropriate that Temple is doing this program today on rethinking punishment. I commend the law review, the editorial board, and the faculty for [organizing] it. It's fitting for a lot of reasons. Temple, for a lot of us, especially me, has been a place for second chances. It gave me a second chance. [It] launched me on my career when nobody else would take a chance on me. The fact that you are now highlighting a reentry program where the federal courts are doing the same thing for people like Mr. Villanueva is so fitting that it is being held here and not some other forum.

This may sound strange for those of you who are in the business, but our criminal justice system has failed the men and women who served time in prison and who are coming out. And it has failed miserably.

It didn't fail because they got locked up because I think most of the people that I've encountered in my career in law enforcement, and as a judge, will

acknowledge that they usually did what the police or the law enforcement said they did, and they did their time. So it's not because we locked them up. It is because we didn't make any provision for what happened when they came home. If you spend ten, fifteen, twenty, twenty-five, thirty years in a federal prison, and then are all of sudden released with no support system, no resources, no job skills, limited or no education, and [you are] dumped back in the same environment with the same social circle where you started, it's a recipe for failure. Our system failed in that regard, because the recidivism rates, the re-incarceration rates, have been through the roof.

Something has to change.

We started our reentry program about ten years ago, and we strive to help people like Mr. Villanueva and the 300 or so others who have gone through our program since we started in 2007. We've achieved some progress in that regard, but there is so much more to be done. We're just a small percentage of the population that's coming out of prison. These are men and women who often face recidivism rates of fifty or sixty percent when they return, and they start the cycle of going back to prison.

In our program, there has been amazing progress in that regard with a lot of different resources that we've been able to put in place. It took a lot of people with a lot of courage to do it—like Judge Restrepo—because it may seem fashionable now in 2016 to support reentry efforts, [but] when we started, it wasn't a fashionable thing to do. We were ridiculed, and we were often criticized. In fact, some people in the criminal justice system continue to criticize us and try to undermine what's happening today because we're threatening the status quo. It's not just us; these programs are being replicated in courts—federal courts especially—around the country. Almost every district now has a reentry coordinator. The Bureau of Prisons has reentry coordinators in the institutions now, [who] help get men and women ready for their return. Change is coming slowly, but there's a lot more work to be done.

Some of the obstacles that these folks face are things that we take for granted in our everyday lives. I sat after court Wednesday night in my office at seven o'clock talking to one of our participants. [He is] a fifty-year-old man [who] did sixteen and a half years in federal prison. He was crying because he is working a minimum wage job, his wife is probably dying from some serious health complications, and he said to me, "I should have just stayed in prison. I should have just stayed there. I knew the rules there, and now I'm out here just trying to survive, and it's so hard." He said that he can't get up in the morning because he doesn't get to sleep until one or two in the morning. He can't fall asleep because he still continues to hear the keys in the door of the prison, and the noise. He said that the noise was relentless. These are things that people in this law school—for the most part—can't appreciate and don't understand.

It's a complicated puzzle to attack. Judge Restrepo is going to talk to you about some of the pieces that we've put in place to try to address these concerns. But think about the issues: housing, jobs, family unification, legal issues, trying to find a good place to live that's safe, as opposed to just a place in the neighborhood where you came from [and] where you're very likely to be

---

---

dragged down and brought back into the life that got you there in the first place. There's a movie that's been played several times, and many of you have seen it, called *Pull of Gravity*. It traces the lives of three men coming out of prison and the struggles they face. All three of them are now back in prison, because they didn't have a support structure.

We're so fortunate here because Temple has been one of the leaders in supporting reentry efforts. They were one of the first schools—through Professor Bretschneider [and] Professor Myers—to have law students work with our program. There are Temple students who are here today who are actually representing men and women in our reentry program in traffic court, in family court, in helping them deal with whatever legal issues come into their lives. Temple has a tangible stake in this game, and along with the other law schools, is doing a fabulous job.

The amazing thing with reentry initiatives is that it's united almost all players in the criminal justice system. It has created a unique phenomenon where the defense bar—many of whom are here today, the prosecutors, the judiciary, the probation department, the academic community, the legal community, and the Bar Association are all united. All the stakeholders are working together to try to improve the situation.

For men and women in Mr. Villanueva's risk category in this district, [there is a] forty percent likelihood that they're going to be back in prison within three years. Mr. Villanueva and I rode up on the subway, and he told me he's been out five years. He's married; he's adopted a child; he's working in a good paying, long-term job for the Philadelphia Housing Authority. He is a success story. We have many success stories like him, but not enough.

In this district, the recidivism rate is forty percent. If you graduate from our reentry program, the chance that you are going to be re-incarcerated is less than thirteen percent. That's significant. Dr. Taylor [Dr. Caitlin Taylor, who also spoke at the *Temple Law Review* symposium] is going to tell you that participating in our reentry program reduces the likelihood of having supervised release revoked by about sixty-four percent.

As Mr. Villanueva is going to explain, participating in our program is more than simply getting a reduced sentence. If you complete our program you get a year shaved off supervised release by the sentencing judge. As he will explain, the incentive to participate is more about having people care about you, having people involved in your life helping you walk through the mine fields that all of us encounter everyday, but [that] are compounded tremendously after you've been in prison for fifteen, twenty, thirty years.

Imagine coming out of prison now, after thirty years. There [were] no cell phones; society is totally different. [In] Philadelphia, the neighborhoods have changed; the community's changed; social circles have adjusted; and you're just thrust out there on your own. With the reentry team approach, we tackle whatever obstacles people face. Judge Restrepo and I have sat with reentry participants and their children and have helped get their children back on track, because one of the big things that we see is [that] the men and women in our program don't want their children to suffer the same things that they suffered.

I'm going to turn it over to Judge Restrepo now, who will talk to you about some of the initiatives and community partnerships we've been able to forge to address some of the needs that the men and women returning from prison face. Then, Mr. Villanueva is going to tell you his story.

[First,] Judge Restrepo wanted me to outline who the participants are in our program.

We use risk predictor indexes with the probation department to identify people who face a significant risk of recidivism for violent crime. That could be based [on] the nature of the conviction, the personal history, family circumstances, state court and juvenile court record. Each of us [Judge Rice and Judge Restrepo] has about fifteen or twenty people at one time in our program. The individuals have to complete fifty-two weeks successfully; that means being on time, showing progress toward your reentry, and not committing new crimes and violating your supervision. Sometimes, like Mr. Villanueva, they complete it in fifty-two weeks; he's the *magna cum laude* graduate. Other times, some graduates take, I think the record is 175 weeks. I've had people in my reentry court sometimes for almost four years, but the good thing is they're trying, they're swinging, they're trying to change, they're trying to improve their lives. They have bumps in the road. They might have a local arrest. They might have relapsed on drugs. We can impose a swift and immediate sanction, keep them in the program, continue to support them, and then they eventually graduate. They are out in our communities now being productive citizens who are working side-by-side with all of us.

We have two people working in the [federal] courthouse now who've come through our program. One is a graduate who got locked up for seven months for violating his supervision. Statistically, in the criminal justice world, he's considered a failure. Practically speaking, he's a success story because his office is on the floor above Judge Restrepo's. [audience laughs] He works every day in the United States Court of Appeals for the Third Circuit; he's on the same email system as we are, and he's turned his life around. One of the ways he did it was by recommitting and taking advantage of not the second chance we gave him, but the third chance we gave him.

That is why Temple is a great place. It gives everybody second and third chances.

**Honorable Luis Felipe Restrepo:** I like to go second, follow Judge Rice, because he doesn't give himself enough credit. This reentry program—the heart and soul of our reentry program—is sitting right there [pointing to Judge Rice], and you should all be aware of that. I was fortunate enough to have been asked about ten years ago to participate. By way of background, I was a defender—and I see my former boss Ellen Greenlee here, and it's good to see you. The only time I ever thought about what happens after somebody is convicted was when Ellen or her surrogates would assign me VOP files. I had to go and represent somebody at a violation hearing. As a defender, as an attorney, and even as a judge, I really didn't think at all, quite frankly, about what happens after the sentence is imposed—and a lot happens after the sentence is imposed, and quite frankly, none of it's good.

I can't tell you how frustrating it is for me and Judge Rice, when a guy comes into the program, one of the questions I always have for [him] is: "What did BOP do for you? What did you learn? What skills were you given? What happened during those twenty years you were in custody?" All too often, the answer is: "Nothing." That's really disheartening when you think that somebody was somewhere for twenty-plus years, and nothing changed, nothing happened, nothing good came about as a result of this individual having been incarcerated for such a long time. So I was really glad when Judge Rice asked me to consider working with him in this reentry project.

At my first conference—there are a lot of conferences about reentry—and [at] my first conference, I was told by people with more experience than me that the most important thing to do is to offer positive encouragement. Quite frankly, I wasn't buying into it at first. Now I couldn't be a bigger supporter of offering these folks positive encouragement. Nobody has said anything good to these folks; it's the first time they came to court and anyone has said anything good or positive. [It's] the first time someone has told them they are proud of what they've done. The sense of community that Judge Rice has built, and that we all try to build upon, is incredibly important because, quite frankly, for a lot of these folks, we're all they have. The sense of community and the sense of togetherness they have as a group when they come see me or Judge Rice is really, I think, what drives the program. Whatever success we have, I attribute in large measure to the group therapy, so to speak, the group sense of, "I'm not in this alone. I have people here that can help me." I think the single biggest predictor of whether somebody is going to make a success of themselves is not whether they have a job. It's: do they have a support system at home?

If they have a support system at home, there is a very good chance they're going to make it. We offer that support system as best we can for a lot of these folks who don't have this support system at home. This support system that we offer is offered not by Judge Rice and I; it's offered by Temple law school, Villanova, Penn, Rutgers, the Philadelphia Bar Association, some of the biggest firms in Philadelphia, a lot of the law clerks and interns in the Eastern District of Pennsylvania, and now a lot of the law clerks and the interns on the Third Circuit. It's a community effort, and it's a collaborative effort. That's what I really think distinguishes our effort from anything else I've ever been involved with in the criminal justice system. Judge Rice touched on it. You're not going to find a venue anywhere else where you have the prosecutor, the defense attorney, the United States Probation Office, the United States Department of Justice, and a federal judge all trying to get to the same place. It is anything but an adversarial system, and when we do have to sanction somebody it's really a consensus model. I'm sure that Judge Rice and I always speak last. We want to hear what everyone else has to say. You know what's interesting is that many times the defense attorney is tougher than the Assistant United States Attorney, in terms of what sanction, if any, should be imposed.

By way of example, let me tell you about some of the programs we have. We have an initiative with the Philadelphia Housing Authority. The Philadelphia Housing Authority has agreed to give us ten scattered site, section eight housing

vouchers. These are very valuable commodities. We have an arrangement with them where they have offered these to our participants for two year periods in the hopes that we can recycle them to the next guy who might need housing help. We have a program with the Friends [Rehabilitation Program] in Philadelphia; it's called Revive and Restore. The Eastern District Court has contributed \$200,000 to this effort. The U.S. Attorney's Office, by way of the Department of Justice, has contributed about \$60,000. This goes towards purchasing supplies and materials; this is where the Eastern District money goes. The U.S. Attorney's money goes to unsubsidizing salaries. The Friends group has hired about ten of our guys over the last couple years and provided them with full time work, meaningful work, with benefits, with insurance, and with trade skills. They're teaching them trade skills. So a lot of these folks have graduated from Friends and gone on to the private sector. More importantly they're providing housing, they're reviving distressed neighborhoods. They provide housing not only for our guys, but for families at risk, for HIV patients, for single mothers, for people that have nowhere else to live.

One of the greatest challenges that our guys—and I should tell you that when I say “guys,” it's no disrespect here. The vast majority of our participants are men. Given the target demographic, in the nine years I've been doing this, I've only had one female participant. I know that Judge Rice has had a few more. I'll let you figure out why the ladies go to Judge Rice. *[audience laughs]*

We also have a program with BenePhilly, where they screen our participants to make sure that they're eligible for whatever benefits are available to them. We have a partnership now with the law clerks and staff folks in the circuit that are screening these individuals. We also have a very aggressive tutoring program with both law clerks and staff members from the Eastern District and the Third Circuit, [who] are providing tutoring for our guys for GED classes and any other sort of specialized knowledge or curriculum they may want to pursue. We have a family reunification program that we just started. The University of Pennsylvania School of Social [Policy and Practice] has—“given us” is probably the wrong term—but, one of their graduates is working with us on almost a full time basis. One of her primary concerns is the issue of family reunification. We have a [Judge] Luongo Fund. It's a fund that was endowed by one of our district court judges, in honor of the judge he clerked for, that we use for discretionary funds.

I can't tell you how important it is that everybody buys in. We have buy-in from two major firms; I'm not going to mention names because the folks at Montgomery McCracken and Pepper [Hamilton] would be shy if I did. *[audience laughs]* These folks have been extraordinarily helpful in terms of committing their time and resources to our efforts. They partner with our student attorneys, and Temple's been in the vanguard here in terms of our student attorneys championing our guys' cause in traffic court. Because again, you forget about all the issues these folks confront; driver's license is a big one, and they can't get their driver's license unless they get some help. Many times fines have been accruing; suspensions have to be dealt with, and it can't be done until they come home.

---

We have a financial literacy program. We have a furniture bank. We're trying to work on mentoring; that's been one of our shortfalls. We've had trouble getting folks—the right folks—to work as mentors for our guys.

One thing I would encourage you to do is come watch one of our graduations. Graduations are really special in that sentencing judges are all there; the graduates are all there; their families are there, and it's a very big deal to them, and to Judge Rice and I, when we see our guys graduate. Because it's not easy. It may sound easy for you to think of doing the right thing for fifty-two weeks, but again, these folks are coming home and the obstacles are everywhere. So when they successfully complete the fifty-two weeks, and they come to graduation, and they're recognized in front of lots of federal judges, and their family, and their peers, it's a really big deal. I would encourage all of you to come watch one of our sessions, whether it's the court session or whether it's one of the graduations. You'll all come back, I hope, moved by what you've seen. It's a privilege now to turn this lectern over to Edwin.

**Edwin Villanueva:** First and foremost, I want to say thank you to Jesus Christ for allowing us to all be here today. And my judges here, I love them, love them. You know, it's funny 'cause sometimes people say, "Well, what am I doing in front of a judge? The only time you go in front of a judge is to get sentenced." Well in this case, it's different because they [are] for the people. And what I mean [by] for the people is that they're actually trying to help. A lot of people call the program the "reentry program"; I call it the "people's program" because it's people who come together to make this happen. Without everybody involved, it's not going to happen.

On my behalf, when I came home on October 11, 2011, my probation officer, Mr. Henderson, came to me and says, "You know, we have this reentry program to offer." And I said, "Oh yeah, what do you offer in that for me? What does it get for me?" And he says, "Well, you attend the program and you get fifty-two weeks off the year [a reduction of time spent on probation]." And I went, "Hmm, I get a year off? For just attending a program? What do I get to do?" And he said, "Well you get in front of the judge and—" I said, "Get in front of what? [*audience laughing*] For a year off? [A judge] just gave me a whole bunch of years. That makes no sense to me!" But I said, "You know, let's give this a try." I went, and I loved the program. Thank God, it's one of the best decisions that I ever made, because today I can stand here and say thank you, Mr. Rice, thank you, Mr. Restrepo, because it has changed my life. Dramatically, you know what I'm saying? It showed me how to become, first and foremost, a better father. That's one of his things [*looking towards the judges*], he said, "What's the number one job, in life?" And what is it? A father, to become a better father.

And I always tell the guys in the program, because I [go] back, and I always tell the guys in the program: if you're gonna come to this program just to try to get a year off, you're wasting your time, you're wasting your time. This is not for that. Don't come here for that; come here 'cause you want to change. If you don't want to change, then just stay where you're at, because if you really want to change, then you will get all the help that is offered to you.

So when I came home, and I got offered this foundation, this support, I was like, wow, you know. My girl, who's my wife now, at the time, she was like, "Hey, you really gonna do that? I think you should." I said, "I don't *think*, I *know* I'm going to." Because like I said, it offered me so much.

I never thought about driving a tractor trailer; [the program] paid for my CDL [Commercial Driver's License]. I went to Smith & Solomon, and I think it was twelve weeks; I was done; I got my CDL. So, if Housing [Villanueva's current employer] didn't go through—I've got that to back me up. You have another trade to help you out, but when I came home, I had nothing. I would go to people and file applications, and they would look at me: "Uh, we'll call you." I changed the number 'cause I never got a call. But through the program, I'm telling you, it's amazing. It's a blessing. It's something that—when y'all get involved, I know some of y'all attend the program; if y'all don't, just try to stop by, and y'all could hear the stories [from] guys that stand there in front of the judges and tell you what they've done in the past two weeks—just in the past two weeks, everything that has happened to them. And you'll look at the program a whole lot different. You'll look at the program a whole lot different, and you'll see what they [*nodding towards the judges*] do.

They take their time to put into this. Like they said, nobody believed in them in the beginning, but if you look at the ratio now, it's like wow, look where we [are] today. And I say "we" because I'm part of it; I'm part of the success because I consider myself a family. It's just not about criminal, convict, judge, cop; no, it's about a family. And that's the foundation and the thing that they teach there. We don't look at you for the number that you are—because when you become an inmate, you become a number. Here, you are just by your name. You don't get addressed by your number; you get addressed by your name. That makes you feel like, whoa, I'm welcome here. It's something that's had a lot, lot, lot to offer.

I always encourage people; just never judge a book by its cover because a book has a lot of stories to tell. So, just because you look at somebody like, "Oh, I don't think he's gonna make it in this program." [The judges] don't do that; they actually bring you in because they want to read that story of that book. They want to see what's the end of the chapter of that book. And success, that's what they're looking for. So, stay positive, and that's all I can say. I love my program, and I love my judges. [*audience laughing and clapping*]

**Honorable Luis Felipe Restrepo:** I just want to follow up on a couple things Edwin said. And one, this is something I like to emphasize. This program doesn't cost you anything. There's no extra funding going here; it's not costing anybody anything, and in fact, it's saving a lot of money. Every guy we can keep from going back to prison is a huge savings. The only money that we have would be some discretionary funds from the district court (so it's not taxpayer money), some DOJ funds that were going to go somewhere anyway, so it's already in the pipeline—please send it our way. [*audience laughing*] And then we have the Luongo fund, which is private money from a judge and other folks that have contributed by way of the [Philadelphia] Bar Foundation. So it's really not costing anybody anything, and it's a tremendous cost savings.

---

The other thing that's important is that Judge Rice and I are very strong believers in that we're not gonna let anybody out of the program. It's a voluntary program; but once you're in, we're gonna do everything, and I do mean everything, to cajole you to stay in the program, because it's not an easy program. It's not easy for a lot of folks to come home successfully. It's very difficult. And sometimes, coming to see us, and going to cognitive behavioral therapy (which we're emphasizing a lot more now), or doing some community service because we think that's something you need to do—it's not easy. But we will cajole you, and we will do everything we can to keep you in the program.

**Honorable Timothy Rice:** Dr. Taylor is going to talk about this a little bit, but there's a term in the industry called "evidence-based practices." And that's basically things that have been proven through research to help change behaviors. And what we try to do, with her assistance, is identify evidence-based practices that will help our men and women who are in our program succeed. One of them, as Judge Restrepo just mentioned, is cognitive behavioral therapy, also known as a program called Thinking for a Change. We have a partnership with Drexel University's psychology department where they meet multiple days a week with people in our program for an hour, over six months, to just engage in kind of a group brainstorming session on thinking through difficult situations. For example, [of] one of the sessions: if you're on the subway—and Mr. Villanueva and I were just there—and somebody bumps into you and spills a drink on you or steps on your foot, what's your first reaction after that happens? For some people, you may be surprised to hear, your first reaction is to shoot him or punch him. And then [in these sessions], they talk about the consequences—what's the consequence of that? Alright, you're gonna get arrested; you're gonna be away from your family again; you're gonna probably go back to jail, and you're gonna hurt somebody else. What are the other types of behaviors that you could do to respond to that situation? Well, you could figure, it was a mistake [and] move to the other side of the train or something like that. Those are the types of things that the research has shown have been instrumental in helping to change behavior. So it's not just Judge Restrepo and I having this kind of kumbaya session every week [*audience laughing*]; there is some science behind this. We have professionals who are advising us. Now, I have to confess, in 2007, we were kind of making it up as we went along, but since I've got grey hair, I've learned a lot.