DAVID ONEK: Welcome to the Criminal Justice Conversations podcast, a coproduction of the Berkeley Center for Criminal Justice and the Berkeley School of Journalism. I’m your host, David Onek. The podcast, recorded weekly in the Berkeley School of Journalism studios, features in depth interviews with a wide range of criminal justice leaders: law enforcement officials, policymakers, advocates, service providers, academics and others. The podcast gets behind the sound bites that far too often dominate the public dialog about criminal justice to have detailed, nuanced conversations about criminal justice policy.

A quick note for those who have been waiting for last week’s schedule podcast with NAACP President Ben Jealous. Unfortunately that podcast had to be canceled. The taping was scheduled for April 15th, but as you may recall, that is the day that longtime former NAACP President Benjamin Hooks passed away. Ben Jealous, of course, had to cancel his entire schedule that day. Our condolences go out to the NAACP family, and we will
reschedule the Ben Jealous podcast for some time in the future.

Now let us turn to today’s guest, Dr. Mimi Silbert, President and CEO of the Delancey Street Foundation. Silbert cofounded Delancey Street in 1971, and it has expanded from its flagship program in San Francisco to five sites across the country. Delancey Street had helped thousands of former felons and substance abusers become productive members of society. Silbert holds a bachelors degree in history from the University of Massachusetts and master's and doctoral degrees in counseling, psychology and criminology from right here at UC Berkeley, which awarded her its prestigious alumni of the year award in 1991. She has also received nine honorary doctorate degrees. In the course of her career, Silbert has been appointed to the National Institute of Justice advisory board, the California State Board of Corrections, California’s blue ribbon commission on inmate population management, and California’s expert panel on parole and reentry, among others. And she joins us in studio this morning. Mimi Silbert, welcome to the program.

MIMI SILBERT: Wow, thank you very, very much.

ONEK: Delancey Street has a very unique model. There is no cost to residents, no government funding, no paid staff, and it
is entirely run by residents. The average person might say, this will never work. Can you explain the Delancey Street model to us?

SILBERT: Yes. One of the things that makes it so unique is that the people who are the problem become absolutely themselves only, with no experts, they become the solutions. And the idea is that instead of experts leaning over and helping them, they must find within themselves the strength that they have to become the answer to their own problems. And it goes back to the simplest says of looking at things, like an extended family where the 16 year old helps the 15 year old help the 14 years old, and what we call ourselves, the Harvard of the underclass, where we’re a learning model. We teach people academic skills, vocational skills, personal skills, interpersonal skills, and the old fashioned values. So it’s based on things like each one teach one. You learn something simple, like if you read at fourth grade level, you’re teaching someone who reads at second grade level, and you’re being taught by a resident who reads at the sixth grade level. And through that very simple method, gang members from third generation gangs slowly break the codes they’ve learned of violence and hatred and antisocial behavior, and turn their lives around.
ONEK: You started Delancey Street in 1971 with four residents and a $1,000 loan.

SILBERT: Yes, we did.

ONEK: How has the model changed and been refined over time as you’ve grown into this empire, really.

SILBERT: You know, the greatest answer is that the model hasn’t changed at all. The people have stayed, it’s just larger, and there are more of us, and we look more sophisticated because we’ve build buildings by now, and we’re in cities all over the country, and it’s exactly the same. And we now teach the model to people from all over the world, and they come, they look, and they range from presidents of countries to, again, people with endless PhDs who have been in the field. They have theories, and they come waiting to hear great theoretical management philosophies, and then our people stand there and go, well, we act as if we are decent, caring people, even though in our hearts we come in the door sworn to kill each other, and we’re put in integrated dorms with the people we want to kill. But at Delancey Street, we are told we can’t do that. So we don’t. And we act as if we care about each other, and since there’s no one else to teach us, we teach each other. And we act as if
we’re that until we become it. And then the people look at them and go, and? And they go, and that’s it.

ONEK: There you go. Now, one of the parts of the Delancey Street model is that residents must learn at least three marketable skills before they graduate, one manual skill, one clerical/technical skill, and one interpersonal or sales skill. Delancey Street operates a dozen businesses that are staffed by residents to teach these skills. What are the range of businesses that Delancey Street operates?

SILBERT: Oh, it goes on the physical end from a moving company, in which actually we’ve been voted the best moving company in the Bay Area for the last ten or 12 years, which is kind of funny, because our people have gone into people’s homes before and taken their valuables. They just haven’t learned the second part, where you return those things to their new homes. We fix cars, mechanically and auto body. Then we learn all kinds of computer skills. When I say no one is an expert, the entire organization is run by its residents. So for example, computer wise, our residents keep our books. They are the bookkeepers. Then they eventually, they start out filing. Then they move up to counting the money. Then they move up to keeping the books. Eventually they keep the entire bookkeeping system.
And then many have gone on to become CPAs. Similarly in our restaurant, which we run a restaurant. We also run a café, a bookstore, an art gallery. In the restaurant, you start off as a dishwasher, and then eventually you can move up to run the entire restaurant. We start out selling Christmas trees. Eventually you can move up to not only run all of the sales of Christmas trees, but we decorate most of the major commercial buildings in the greater Bay Area. So we sell 50 foot trees and then decorate them. We build huge buildings that people want for their very large buildings, of scenes with Eskimo huts and dancing penguins.

ONEK: So if you need a dancing penguin, Delancey Street is the place to go.

SILBERT: There we are. And it’s interesting how these all have started, because none of them are well thought through. None of them start with a business plan. Moving, for example, we bought our first building in Pacific Heights. It was the Russian consulate building. It had been empty for several years. In 1972, you could buy a building with a dollar down, essentially, and we did. Pacific Heights, being the poshest area of San Francisco, was the least ready to have 50 to 75 very large ex-felons and dope fiends move into their neighborhood, and then
went [UNINTELLIGIBLE]. And then we started with a three year battle. And we engaged in that battle on every front, politically. And one of the ways that we fought it was by making friends with the neighborhood. So that was before there were safe neighborhoods. We patrolled the neighborhood. And we understand that people that don’t want people like us in neighborhoods, because crime will, they believe crime will go up. Property values will go down. So we patrolled the neighborhood, and of course, among our 50 residents, they knew all the criminals in San Francisco, and what it is they said to them to get out of our neighborhood I don’t know, but I do know that they got out of our neighborhood, so crime went down. And we redid our building, learning construction skills, so property values would go up. But we also went around the neighborhood offering our services volunteer wise. And one group of people said, oh, OK, we’re going to have a benefit for the ballet. Would you empty our house out? And we said, of course. And I was standing there. Sometimes when you’re the boss, there’s nothing to do. So I was standing there trying to look important, and one of our residents lifted a piano and said, hey, Mimi, what do you want me to do with this? And like in the old comic books, you know, the bubble goes over your head, and I thought, oh, my God. I looked at those arms. There is a reason for prison. They sit and lift weights in prison, where you
don’t have to work. And you don’t learn anything. And the R in rehabilitation really doesn’t mean anything. But it meant something for us. We could start a moving company. And we put little fliers under people’s windshields. And it said, moving? We’ll do it for less. And we waited and waited, and about a year later, somebody called us, and we asked them to describe the job. And then we called Brand X, a large moving company, described the job. They gave us a quote. We did it for less. We rented uniforms. We rented a truck. The entire organization ran out, moved the furniture, and we did that for about a year until, knock, knock, knock, comes the PUC. It turns out moving is a regulated industry. We said, oh, I’m sorry. Paid a fine. They taught us how to do it regulated, how to get licensed. Now we’re all over the country.

ONEK: Now you’re number one in the area.

SILBERT: Number one in the area.

ONEK: Now, moving is a great example of the pros and cons of having the backgrounds that folks had. You had some very large people who had been working out, but of course, you also had people, as you had mentioned, who maybe the average person wouldn’t trust to come into their home and take all
their valuables. You once told me a story of a CEO of a big company who needed to hire a house sitter for his vacation home in Palm Springs, and insisted that he would only consider Delancey Street residents for the job, because he found them so trustworthy and reliable. This is someone who had previous experience, obviously, hiring Delancey Street residents. But what about first time folks coming to Delancey Street? Do most people using the moving company know the background of the staff? And if so, at this point, do you still ever have to address concerns they might have?

SILBERT: Interestingly, at this point in areas where we live, our reputation has been developed, and no, we don’t. But when we first move into a new area, there isn’t a place where we first move that doesn’t picket us. When we first move in, we get picketed. No one wants us in the area. No one wants to hire us. No one wants to come into our restaurant. And even people, for example, who come into our restaurant, in San Francisco, we have a very large, 200 and something person restaurant. On the back of our menu, we describe, this restaurant is a training school of the Delancey Street Foundation. And then it goes on to say that our people have had, it’s not like our people have made one little mistake. They have been in and out of prison repeatedly. We really have
hardcore felons.

ONEK: And I’m sure some people are coming to the restaurant because they want to support Delancey Street. But others have heard it’s a great restaurant, and they just want to get something to eat.

SILBERT: The vast majority, exactly, they read a review. It gets great reviews. The first Zagat review said we were the friendliest restaurant in the city. And that’s what they heard. That's what they saw. That’s what they knew. So you watch the customer read the back of the restaurant, and they get to the middle part, which describes it, and they go, huh. And they look at their waiter, and then they look at the back of the menu, and then they call their friendly little waiter over, and then they essentially go, not you. And then the waiter starts shaking his head, yes, yes, yes. I used to something or other. And that’s the moment that’s fabulous, because most of our training schools, and they are all training schools. They’re really not, I mean, they do earn money, but the first reason of their existence is to teach our people to interact positively with people they’ve never interacted with, regular, straight, middle class America. People they’re terrified of. And secondly, to teach regular, straight, middle class America
that this is what a dope fiend ex-convict, who you think should be either put away for the rest of his life or killed, this is what he can change and become. And that’s what happens in that interaction. And it’s not preaching. It’s not teaching. It’s not lecturing. It’s that emotional interaction that this very nice, helpful person, who cares about you and wants to make your day better, once had terrible problems. And it’s a fabulous way of teaching. And then the third reason of our training schools is to teach vocational skills. It’s only the last reason is that it also brings some money in. And we never talk about the money. We teach our people what’s most important is that you help others, that you do a service for your community, that you actually balance your scales, because you’ve taken from society. Now you’re giving back to society. And it turns out, low and behold, if the rest of America’s businesses had thought that way, we wouldn’t be in the shape we’re in right now in America.

ONEK: Now, for all the success stories Delancey Street has had, it’s also had its share of failures, people who do not make it. You have said, quote, we’ve had residents who left and then died, and we’ve had residents who had to go back to prison, people who didn’t make it through the two years, and I take it all personally. To me, these people really are my family. I understand that I’m not so grand that I can control somebody
else’s life, but when you care a lot, it eats you up. How do you personally deal with these failures when they come up? And how does Delancey Street as an organization deal with that?

SILBERT: Delancey Street as an organization, I have to say, deals with them better than I do. As an organization, we have a saying, is that we’re all holding hands climbing a mountain. And one of the things that’s true that I never forget and that I teach our residents, I’m the only person there who’s not an ex-felon, an ex-dope fiend, an ex-alcoholic. And I have all the titles. And we’re all holding hands, never letting go. And I’m closest to the top, because I have spent most of my life trying to do the right thing. And as I say, not always succeeding. You don’t have to be a drug addict and a criminal to sink down to the worst of yourself on some days. But trying most of the time to be best of myself. But I understand that although I have all the titles, I don’t have the power. The power always lies at the bottom. If the people at the bottom pull down, the organization will fail. Because we’re holding hands, I can’t pull 500 people, for example, because that’s who lives in San Francisco alone. I can’t pull us up the mountain. We all have to pull up the mountain. And the people who live there understand that. So when one person lets go of the chain, they pretty much get it. OK, the rest of us have to hold tighter.
And then they hold tighter, and then they say, too bad for that person. It’s not going to be me. I’m going to hold tighter, and too bad for him. He was stupid. And then they get angry at the person who left. Where I, on the other hand, feel like a mother to the person. I’ve loved that person. I’m the one who believed in that person when he didn’t believe in himself. And so I’m the one who then secretly goes into my room, like a teenager, actually. I throw myself in the bed, and I’m sobbing and saying all of those things. I can’t do this anymore. I’ve had it. I don’t have it in me anymore. Oh, God. I actually self pity. I start thinking, I don’t have it anymore. It’s too many years. I’m being eaten alive.

ONEK: So how do you pull yourself out of that to go back out to the residents and put your public face back on.

SILBERT: The way I pull myself out is that I actually believe my own bullshit. I believe what I teach the residents, which is, when you feel awful, go into the dining room, find somebody new, and act as if. Talk to him. Forget about yourself. Stop feeling sorry for yourself. Help someone new. Act as if you care about that person until you forget about yourself. That person will pull you out of yourself. And pretty soon, before you know it, you don’t know when. Some Tuesday at 3:00 in the
afternoon, it works. You do forget about yourself and you start caring again about other people. And it does work. That’s what works for me. That’s what works for them.

ONEK: Speaking of working, you have a PhD and understand the importance of research and evaluation to prove what is working. What research has been done on the effectiveness of the Delancey Street model?

SILBERT: Actually, several studies have been done. Here’s the problem with the research, and I do believe in research, but the problem in our field is, the word recidivism has been defined and redefined and redefined over and over and over. Sometimes it means committing the same crime, or a crime within the same series of crimes in six months. Sometimes it means in a year. Sometimes it means in the same area in a certain amount of time.

ONEK: Sure, the definitions are all over the place.

SILBERT: It’s all over the place.

ONEK: But regardless, what has the research that you have done?

SILBERT: Someone has done, so I say that because our statistics
are too high for my taste. Karl Menninger, the actual founder, the giant in mental health, did a ten year follow up. That was our first study. Ten year follow up of our graduates. And he came out with a 99.8 success rate. And I worship this man. He’s a giant. He was a giant in his field. But when he gave me the results, and I looked at them, and I said to him, Doctor, because there were two Menninger brothers, I said, Doctor Carl, have you had a 99.8 success rate in your life? He goes, I haven’t. I mean, I haven’t committed a crime, but I would not say that in ten years, I could say I was 99.8 successful in my life. And all of the studies have shown higher success rates than I feel are true. They’re all the way up there in the, so what I feel, in the 90s. I feel comfortable saying that whatever the prison system says is its failure rate for any given year. I feel happy saying that’s our success rate for that year.

ONEK: Sure. Well, that segues into my next topic, which actually is the prison crisis we’re facing here in California. As you well know, our prisons are severely overcrowded. They’re exceedingly expensive. We have sky high recidivism rates. They’re under a federal court oversight for unconstitutional conditions related to prison healthcare. How can what you’ve learned during your years at Delancey Street help with reforming
California’s prison system?

SILBERT: Well, this is so aggravating to me that I’m going to try to keep my voice down. I have been on the oversight board since Governor Deukemeijan appointed me 20 or 30 years ago. And I’ve been appointed by every governor since. I’m the longest standing member. Everyone else gets appointed by one governor and then goes off, and then there’s a new appointee by the next governor. I’ve outlasted every member of the board and every staff member. And when Schwarzenegger came in, I actually saw a great opportunity. He was initially open to change. They put the new word R, CDCR.

ONEK: Adding rehabilitation to the name of the Department of Corrections.

SILBERT: Adding rehabilitation. They revamped everything. A couple of new people came on as Secretary of Corrections. Then they resigned. Actually, Delany --

ONEK: We had Jeannie Woodford on the program a few weeks ago, actually.

SILBERT: Great. We worked closely with Jeannie Woodford,
and Rod Hickman before here. And we developed a plan where we were going to go in with her into the prison system and put in completely new reentry programs that were based on Delancey Street, that were going to help people change the way they were doing what was going on in the system, so that they would get out in a new way. And all those people resigned, and there have now been many new secretaries, many new heads of paroles. And I believe we’ve lost the opportunity. And the reentry bill that got passed by the Legislature just recently, because of the financial crisis actually had the money for reentry taken out of the reentry bill, so that now all we’re doing is building new prisons under what was the reentry prison bill. So I’m angry. I’m hurt. I’m deeply disappointed. I’m outraged.

America builds more prisons than any country in the world. California builds more prisons and imprisons more people than almost, alone, just the state, than almost any country in the world. And it’s because of our laws. We are mandatory about imprisoning people. And we have more technical violators in prison that anyone. Thelton Henderson, the judge who ordered a number of people out of prison, we could have taken out technical violators. That means that they peed wrong. That’s all it means. They didn’t commit a crime. They just used drugs. There are so many programs that they could have gone into and stopped their drug use. But no, instead, they’re in
ONEK: Now, you’re picking up on a lot of the themes we’ve actually talked about in prior podcasts. I want to talk about what’s underlying a lot of them, which is the need to sound tough on crime from policymakers and politicians.

SILBERT: And make people fearful, which they do not need to be. It’s an outrage that we take a population in America who already is fearful because we’re watching our entire financial system fall apart. Everything we’ve known in America, our educational system has fallen apart. Everything’s falling apart, and the politicians go around and make people live in terror about crime when that’s not really what’s going on at all. It’s an outrage. It’s really an outrage. And so people vote, because that’s what they’re made to feel. And it shouldn’t happen.

ONEK: Well, let me ask you more about that. You have stated that, quote, what is hard on criminals is to insist that they be accountable, that they work hard, and they give back. That’s almost identical to statements made on this program from people like Sonny Schwartz, who runs the Resolve to Stop the Violence project in San Francisco Jails, and Jeannie Woodford, who we just mentioned, who was the warden at San Quentin, among other
things. We’ve also heard from policymakers like State Senator Mark Leno, who discussed the fear of being perceived as soft on crime and how that’s driving a lot of politicians. How can we get political leaders in the general public to understand that programs like Delancey Street are much tougher on crime than letting someone sit in prison all day without any programming?

SILBERT: You know, what’s interesting, I was on a panel when three strikes was happening. And I actually had my mike shut off, because we were in front of several thousand people. And I turned to the audience, and they were primarily victims of crime. And I said, I’m not going to tell you which is which. I’m going to describe two options. One option, you get put somewhere where you don’t have to work, where you don’t learn anything, where the government pays $40-50,000, you the taxpayer, pays $40-50,000. Here’s the second option. The government pays nothing. You have to wake up at 7:00 a.m. You have to work eight hours a day. You must get educated at least to a high school equivalency. You must volunteer in the community. You must do the following. Eventually you must pay taxes. Which would you rather see? And plus, Delancey Street has never had an incidence of violence or a person commit a crime while in Delancey Street. We live in the middle of the community. We lived in Pacific Heights. We live not in South
Beach. We live in crowded communities. We are safer. Prisons have riots constantly. Which is tougher? Which would you rather see someone on? And of course, the entire audience voted against. In prisons, there are drugs. In our place, there’s no drugs. And my mike got shut off. So yes, if our politicians had the courage to stand for something besides getting reelected, and in all honesty, if you get elected, you get elected to be a leader, not just a follower. So sorry, I love all our people. They’re my close friends, the people who get elected. But you get elected to be a leader. So you should stand for something, and it’s your job to explain to the public what’s going on, not just to stand there and say, oh, people will think I’m soft on crime. There is the phrase, smart on crime that’s been used over and over and over again. People are not idiots. They want to understand. They simply want to live safely, to change what’s going on with criminals, with crime. You have change criminals. It’s that simple. They’re the ones committing the crimes. If you don’t change them, they’ll never stop committing crimes, and they will come back to your community. Duh. It’s that simple. We’re not locking them up forever. So they go to prison. They join gangs in order to survive. Because of that, they come out angrier, and they have to be more violent, because they’re now in a gang by race. So you want to stop them, bring them, teach them, change them, make
their values strong, old fashioned. Be accountable, work ethic, work hard, earn your way. Don’t expect society to take care of you because you screwed up. In fact, it’s the opposite. Earn back your place in society. Be decent. And then you won’t be a criminal, or a dope fiend. In fact, you’ll be a tax paying person who respects your society and contributes to it. Every politician can explain that, and we can turn this thing around. It’s not unfixable. It just takes guts.

ONEK: I think that is the perfect place to stop. Mimi Silbert, thank you so much for joining us.

SILBERT: Thank you.

ONEK: The Criminal Justice Conversations podcast will not be broadcast next week. Please tune in the following week when we’ll be joined by Berkeley law professor Frank Zimring. Thank you for listening to the Criminal Justice Conversations podcast. You can find this episode of the podcast, and all prior episodes on our website at www.law.berkeley.edu/cjconversations. You can also become a fan of the Criminal Justice Conversations podcast on Facebook. The podcast is engineered by Milt Wallace. Our editor is Callie Shenafelt, and our program intern is Eve Ekman. This is Eve’s last show with the podcast. She has been our
program intern since the podcast’s inception, and I want to thank her for all her hard work. She will be missed. I’m David Onek. Thanks for listening.