

# Chapter 14. Reentry Programs and Initiatives

## Introduction of the Issue

**PULL QUOTE:** “We should look at reentry as a progression, not a program.” - John Wetzel, Secretary, Pennsylvania Department of Corrections<sup>1</sup>

Crime poses an enormous cost to society, and these costs are accelerated when people continually recycle in and out of our jails and prisons. Reentry refers to a progression of transitioning incarcerated individuals in jails and prisons back into their communities. This holistic process—which includes connecting people who were incarcerated with their families, supportive networks, housing, employment, medical, and mental health services—is relatively new for institutions. Traditionally, the custody and care of its population has been the primary goal of jails and prisons. This orientation has shifted over the past 15 years to include a focus on the reduction of recidivism.

The Pennsylvania Department of Corrections states its mission is “to reduce criminal behavior by providing individualized treatment and education to inmates, resulting in successful community reintegration through accountability and positive change.”<sup>2</sup> Institutions have begun to try to understand how evidence-based programs and practices could improve reentry outcomes and public safety. Ninety-five percent of people who enter jails or prisons eventually leave them; therefore, providing successful reentry options is imperative to ensure public safety.<sup>3</sup> According to the Bureau of Justice Statistics (BJS), in 2016, there were just under 2.2 million people incarcerated in jails or prisons nationwide. Using arrest as one indicator of recidivism, an estimated 68 percent of released prisoners are arrested within three years, 79 percent within six years, and 83 percent within nine years.<sup>4 5</sup> Without effective reentry programs and services, those persons will come back through the revolving door to confinement, and recidivism rates will remain stubbornly high.

According to a Council of Economic Advisers Report, “Victims and society at large have incurred significant costs from crime in terms of pain and suffering, reduced quality of life, property losses, medical costs, and loss of life. Communities often bear the cost of crime in the form of lower property values, reduced business investment, and lost economic opportunity.”<sup>6</sup> The report identified six principles on prison reform and reentry programs that aim to improve successful reentry into society and reduce recidivism:

- evaluate existing incentives for reentry program participation and develop improvements that tie an inmate’s successful program completion to incentives while they are incarcerated
- evaluate and implement evidence-based recidivism reduction and reentry programs to promote the successful reentry of federal inmates
- ensure all inmates have access to recidivism reduction programs that meet their needs by enhancing tools to reduce existing risk
- expand access-to-work programs to allow all eligible inmates to gain job skills that prepare them for successful reentry from prison

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<sup>1</sup> *President’s Commission on Law Enforcement and the Administration of Justice: Hearings on Reentry – State of Reentry* (April 28, 2020) (statement of John Wetzel, Secretary, Pennsylvania Department of Corrections)

<https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>

<sup>2</sup> <https://www.cor.pa.gov/About%20Us/Pages/CONTACT%20US%20-%20About%20Us.aspx>

<sup>3</sup> <https://www.bjs.gov/content/reentry/reentry.cfm>

<sup>4</sup> <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=6266>

<sup>5</sup> <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=6266>

<sup>6</sup> <https://www.whitehouse.gov/wp-content/uploads/2018/05>Returns-on-Investments-in-Recidivism-Reducing-Programs.pdf>, p. 3

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- evaluate and facilitate public and private partnerships aimed at improving employment opportunities for inmates before and after their release
- prioritize funding and support federal programs that have proven to be effective at reducing state prison recidivism<sup>7</sup>

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Evidence-based reentry policies and programs enacted in recent years have improved outcomes for people released from prison. Studies in individual states over the past decade have demonstrated significant reductions in returns to prison from parole, including decreases of 35 percent in Georgia from 2007 to 2016 and 43 percent in Michigan from 2006 to 2015.<sup>8</sup>

A 2017 report by the National Reentry Resource Center highlighted eight states that had experienced reductions in recidivism, providing examples of the strategies and programs undertaken to achieve these results.<sup>9</sup> In Virginia, the Department of Corrections released an analysis in 2017 that attributed the state's low recidivism rate to policymakers' focus on reentry programming and treatment.<sup>10</sup>

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States can improve reentry outcomes and enhance public safety by adhering to evidence-based informed strategies. In addition to reducing recidivism rates, improved reentry outcomes include meaningful employment, stable housing, and positive social networks. People returning to the community from an institution often have many needs (e.g., mental health and substance use disorders, housing, and employment) that must be met to improve their reentry outcomes. Reentry programs that focus on education, employment, and mental health services will all contribute towards reducing the recidivism rate.

Tony Lowden, Executive Director of the Federal Interagency Council on Crime Prevention and Improving Reentry, says, "I believe in making improvements in the way we prepare offenders to reenter society is critical. It's a critical element for an effective crime prevention strategy—not just from what we do as staff, correction officers to reentry officers—but what we do for the aftercare, too, so that those individuals do not return back to our facilities."<sup>11</sup>

Three focus areas affect reentry planning:

**Culture/organization orientation.** The customs and norms surrounding the operations of jails and prisons have often neglected the need for reentry as a way to improve public safety. Jails and prisons operate primarily as a place to deliver punishment and not necessarily rehabilitation. In the 1970s, sociologist Robert Martinson conducted a research study into the failings of programs that were designed to rehabilitate jail

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<sup>7</sup> <https://www.whitehouse.gov/wp-content/uploads/2018/05>Returns-on-Investments-in-Recidivism-Reducing-Programs.pdf> pages 3-4

<sup>8</sup> PEW Article, "The Changing State of Recidivism: Fewer People Going Back to Prison," Adam Gelb & Tracy Velazquez, Aug. 2018 <https://www.pewtrusts.org/en/research-and-analysis/articles/2018/08/01/the-changing-state-of-recidivism-fewer-people-going-back-to-prison>

<sup>9</sup> The National Reentry Resource Center, Reducing Recidivism: States Deliver Results, June 2017

<sup>10</sup> PEW Article, "The Changing State of Recidivism: Fewer People Going Back to Prison," Adam Gelb & Tracy Velazquez, Aug. 2018 <https://www.pewtrusts.org/en/research-and-analysis/articles/2018/08/01/the-changing-state-of-recidivism-fewer-people-going-back-to-prison>

<sup>11</sup> *President's Commission on Law Enforcement and the Administration of Justice: Hearings on Reentry – State of Reentry* (April 23, 2020) (written statement of Pastor Tony Lowden, Executive Director of the Federal Interagency Council on Crime Prevention and Improving Reentry) <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>

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and prison populations. He categorized his findings as the “nothing works” doctrine.<sup>12</sup> This statement gave more credence to the punishment culture, which in turn led to such terms as “warehousing,” or incarcerating prisoners without meaningful opportunities to engage in work, programming, and education. It also explained the expansion of imprisonment without a process of reintegration for people leaving these institutions. Dr. Grant Duwe, Director of Research for the Minnesota Department of Corrections, believed that for reentry efforts to succeed, correctional cultures must continue the shift towards full reintegration of inmates back into society upon release.<sup>13</sup>

**Process.** Reentry is a continuum that begins when people enter the criminal justice system and continues until they have been released from any form of supervision. Instead of being an isolated program, reentry planning occurs throughout their tenure in the criminal justice system. The process should occur across various criminal justice systems: jails, prisons, and community supervision. The process should also involve the use of evidence based practices, policies and procedures.

**Implementation.** How the process is delivered will determine its efficacy. The application of the reentry process must be formal and structured with clear policies and practices. Failure may result if staff are unsure of their roles, training is limited, or agency practices are not clearly defined.

Because reentry is a vast topic, this chapter focuses on four key decision or change points: risk and needs assessments, jail and prison programming, release and transition planning, and community supervision.

### 14.1 Risk and Needs Assessment Tools

#### *Background*

Communities must target and address an individual’s risks and needs to have a positive impact on their reentry. Risk assessment tools help criminal justice staff identify each person’s unique risk factors and assign the appropriate intervention. The eight major risk factors that predict reoffending include anti-social, pro-criminal values and beliefs; pro-criminal associates and isolation from pro-social others; anti-social social patterns; history of anti-social behaviors; family criminality and psychological factors; low levels of personal, educational, or vocational achievement; low levels of pro-social leisure involvement; and substance use disorder.

People who enter the criminal justice system sometimes present multiple major risk factors linked to the probability of recidivism. Jails and prisons must be able to identify those urgent factors first to decrease the likelihood of recidivism and identify the appropriate intervention.

A report on assessments states, “Risk assessment and needs instruments are actuarial-based tools used to classify offenders into levels of risk (low, medium, and high) and to identify and target interventions to address offender needs (such as antisocial attitudes, antisocial peer groups) generally related to recidivism. A risk assessment and needs instrument does not indicate whether a particular offender will actually recidivate; rather it identifies the “risk” or probability that the offender will recidivate.”<sup>14</sup>

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<sup>12</sup> Martinson, Robert (1974). What Works? Questions and Answers About Prison Reform. *The Public Interest*, p. 35, 22-54

<sup>13</sup> *President’s Commission on Law Enforcement and the Administration of Justice: Hearings on Reentry—State of Reentry* (April 23, 2020) (written statement of Grant Duwe, Ph.D., Director of Research for the Minnesota Department of Corrections) <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>

<sup>14</sup> Casey, Pamela M., Jennifer K. Elek, Roger K. Warren, F. Cheesman, M. Kleiman, and Brian Ostrom. "Offender risk & needs assessment instruments: A primer for courts." NIC (2014): 208-22. <https://nicic.gov/offender-risk-needs-assessment-instruments-primer-courts>

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Risk assessment tools should be used to inform the reentry planning for all jail and prison populations, as they allow the correctional facilities to tailor programming and determine how resources should be allocated. Without the effective use of this tool, facilities are left with little guidance to inform reentry based on the inmate's unique risk factors, and communities will struggle to reduce recidivism. While examining the use of risk assessments to determine sentencing, researchers found, "The current practice in corrections is to use such assessments often to inform decisions regarding incarceration, pretrial diversion, release, and the development of interventions to reduce recidivism."<sup>15</sup> In this era of criminal justice reform, people who pose a low risk to public safety are often diverted to alternative settings so that increased time, money, and effort can be focused on those who pose a high risk to public safety.<sup>16</sup> Corrections facilities are now responsible for reducing the risk of people who return to communities or who are under supervision in the community. Risk assessments help these facilities determine the best ways to target their resources to achieve the greatest likelihood of reducing risk.

### *Current State of the Issue*

Assessment tools have traditionally been used to monitor risks and needs. While they are not 100 percent predictive, they do represent best practices. Currently, jails are responsible for implementing various risk and needs assessments for their populations. A study by the American Psychological Association found that some instruments may perform better than others in predicting particular outcomes.<sup>17</sup>

In selecting a risk assessment tool, options include purchasing a commercially available tool, adopting and tweaking an existing tool, or developing a new tool.<sup>18</sup> Jurisdictions should consider what type of decision the tool will help make; the population to be assessed; if the tool is needed to predict specific outcomes (e.g., high-stakes types of offending like violent or sexual victimization); if the intention with the population is to reduce risk and to be able to measure progress; and how much staff time can be devoted to the assessment.<sup>19</sup>

One method for determining the best fit of an assessment tool for an institution's reentry process is to develop collaborative partnerships with universities or experts to check that an instrument is valid and appropriate for the criminal justice setting and population. In addition, staff must be trained on how to administer the tool to increase accuracy. For example, some tools may be completed with static information that can be populated using files and documents only, while others require the addition of dynamic factors captured during structured interviews. These fidelity issues in using the tool will have an impact on its effectiveness on predicting the likelihood of reoffending. Currently, the Bureau of Justice Assistance (BJA) maintains a clearinghouse on public safety risk assessments tools<sup>20</sup>The clearinghouse compiles information from state agencies to provide an overview of current practice and policy in the use of risk assessments related to pretrial, prison, jail, release, parole, and probation. **Figure #** captures the current use of these tools across all 50 states at every decision point.

<https://psrac.bja.ojp.gov/selection/landscape> (insert graphic)

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<sup>15</sup> Monahan, John and Skeem, Jennifer L., Risk Assessment in Criminal Sentencing (September 17, 2015). Annual Review of Clinical Psychology; Virginia Public Law and Legal Theory Research Paper, No. 53. <https://ssrn.com/abstract=2662082>

<sup>16</sup> Casey et.al. 2011

<sup>17</sup> Desmarais, S.L., Johnson, K.L. & Singh, J.P. (2016). *Performance of Recidivism Risk Assessment Instruments in US Correctional Settings*. Psychological Services, 13(3) 206-222. <https://doi.org/10.1037/ser0000075>

<sup>18</sup> <https://psrac.bja.ojp.gov/ojpasset/Documents/PB-Selecting-RA-Tools.pdf>

<sup>19</sup> <https://psrac.bja.ojp.gov/ojpasset/Documents/PB-Selecting-RA-Tools.pdf>

<sup>20</sup> <https://psrac.bja.ojp.gov>

**[CROSS REFERENCE TO INTERSECTION OF CRIMINAL JUSTICE INTERSECTION]**

**14.1.1 Jails and prisons should implement the most current risk and needs assessment tools that are validated by evidence-based research, and standardize their use for increased public safety and positive reentry outcomes.**

Correctional agencies are using many different assessment tools, but the present consensus is to use the most current assessment tool that follows people who were incarcerated as they enter and exit institutions whether or not they are released onto community supervision. At the time of publication, the fourth generation is the most current tool. This tool translates the individual's risk and needs into a case plan or roadmap for reentry services in the community. A goal of each generation of assessment tools is to increase consistency, fairness, and effectiveness of the justice system. The use of the tool should be standardized and correctional staff must be trained how to use it. In addition, the tool should be revalidated every five years to ensure risk level assignments are accurate and account for changes in the jail and prison population. While there are correction systems using the most current tool—including Ohio, which uses the Ohio Risk Assessment System, and Georgia, which uses the Next Generation Assessment—there is wide variation in how the tool is implemented.<sup>21 22</sup>

**14.1.2. Jails and prisons should administer the most current risk and needs assessment tool on people upon entry and on a regular, reoccurring basis, including after life-changing events.**

Incarcerated individuals may experience significant changes both in a facility and when released. To account for this, regular reassessments should be conducted to identify the effect of those changes and how to adjust for them. Without reassessment, it would not be possible to create realistic, individualized reentry initiatives that may determine how successful the individual will be. Ideally, reassessments should occur upon entry into the institutions to gain a baseline for jail and prison programs; at regular intervals every 90 days of confinement or while on community supervision to inform supervision level and program adjustments; and upon 30 days of the individual's release date.<sup>23</sup>

Reassessment of risk within prison may not need to occur as frequently. For instance, the First Step Act requires the Federal Bureau of Prisons to “reassess the recidivism risk of each prisoner periodically, based on factors including indicators of progress, and of regression, that are dynamic and that can reasonably be expected to change while in prison.”<sup>24</sup>

In addition, assessments should be administered when there is a significant event, such as a death, birth, marriage, divorce, or job change. This regular and flexible process allows criminal justice practitioners to be proactive in managing and planning reentry efforts for people who have been incarcerated.

**14.1.3. Jails and prisons should train staff annually on the use of the risk and needs assessment tool to ensure mutual understanding and interpretation to improve its accuracy and effectiveness.**

Staff training is key to obtaining more accurate assessment results. Anthony W. Flores, a researcher with California State University says, “Studies demonstrate that assessments conducted by trained staff are more accurate and valid than those implemented by untrained staff.”<sup>25</sup> Correctional agencies must develop the

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<sup>21</sup> Ohio Department of Rehabilitation and Correction, <https://drc.ohio.gov/oras>

<sup>22</sup> Georgia Department of Corrections <http://dcor.state.ga.us/Divisions/InmateServices/RiskReduction/Assessment>

<sup>23</sup> Latessa, E.J. (2020). Triaging of Services for Individuals Returning from Prison. In B. Orwell (Ed.), pp. 39-71. *Rethinking Reentry*. American Enterprise Institute. Washington, D.C.

<sup>24</sup> [https://nij.ojp.gov/sites/g/files/xyckuh171/files/media/document/the-first-step-act-of-2018-risk-and-needs-assessment-system\\_1.pdf](https://nij.ojp.gov/sites/g/files/xyckuh171/files/media/document/the-first-step-act-of-2018-risk-and-needs-assessment-system_1.pdf)

<sup>25</sup> Flores, Anthony W. and Amanda L. Russell, Edward J. Latessa, and Lawrence F. Travis III, *Evidence of Professionalism or Quackery: Measuring Practitioner Awareness of Risk/Need Factors and Effective Treatment Strategies*, 2005, Federal Probation, Volume 69, No. 2

[https://www.uscourts.gov/sites/default/files/69\\_2\\_3\\_0.pdf](https://www.uscourts.gov/sites/default/files/69_2_3_0.pdf)

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capacity to deliver annual training for their staff on risk and needs assessment tools and regularly audit staffs' performance. These audits will help identify any training gaps that should be rectified. Trained staff should include counselors, case managers, unit managers, reentry coordinators, program leaders, community supervision officers, parole board members, prosecutors, judges, and public defenders.

### 14.2 Reentry Programming for Jails and Prisons

#### *Background*

Jails and prisons are currently either under-programming or under-treating the population.<sup>26</sup> Dr. Duwe attributes this to institutions that have become more like warehouses, where inmates do little until their release. He notes that "Prisons don't have to be criminogenic finishing schools for crime, which is sometimes what they're made out to be. But this is what they are, however, when we warehouse people in prison. We should be focusing more on dosage and more specifically the extent to which inmates are participating in programs."<sup>27</sup> His further point was to ensure that everyone who should be in a program was in a program. If that is not happening, then officials should find a way to increase programming's availability. Jails and prisons should also not over correct and should be consistent with the risk-need-responsivity (RNR) principle, meaning program assignments and dosage match the individual's risk level and criminogenic needs.

Traditionally, jails and prisons had one major directive: protect the public and ensure the safety of its inmate population. Today, some institutions also make active attempts to assist with recidivism reduction and help prepare individuals for reentry through programs that are designed to equip them for life after incarceration.<sup>28</sup> Dr. Duwe suggests that jail and prison environments should become "program rich" and allow the maximum possible number of the population to participate.<sup>29</sup>

#### *Current State of the Issue*

The RNR principle is the best model to date for determining the appropriate programming needs for jail and prison populations.<sup>30</sup> The RNR principle targets program interventions to the identified needs of the individual, and this model should drive the type and dosage of program enrollment in jails and prisons; however, these institutions face some programming challenges. First, they must determine how to identify the best evidence-based programs that have shown positive reentry outcomes. Second, they must determine how to deliver those programs as they were designed, with no alterations. Third, they must identify how to influence the population to participate in the program. If the prison and jail population have only one or two percent of the population participating, that will not significantly change recidivism rates. In many jails and prisons, overcrowding puts limits on the availability of programming space and staffing. For best results, all programming should be compatible with the needs of the community and community stakeholders should be

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<sup>26</sup> *President's Commission on Law Enforcement and the Administration of Justice: Hearing on Reentry* (April 23, 2020) (written statement of Dr. Grant Duwe, Director of Research, Minnesota Department of Corrections) <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>

<sup>27</sup> *President's Commission on Law Enforcement and the Administration of Justice: Hearing on Reentry* (April 23, 2020) (written statement of Dr. Grant Duwe, Director of Research, Minnesota Department of Corrections) <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>

<sup>28</sup> Joel Dvoskin, Jennifer Skeem, Raymon Navaco and Kevin Douglas, *Using Social Science To Reduce Violent Offending*, 2011.

<sup>29</sup> *President's Commission on Law Enforcement and the Administration of Justice: Hearing on Reentry* (April 23, 2020) (statement of Dr. Grant Duwe, Director of Research, Minnesota Department of Corrections) <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>

<sup>30</sup> Andrews, D.A., Bonta, J. Wormith J., "The risk-need-responsivity (RNR) Model. Does Adding the Good Lives Model Contribute to the Effective Crime Prevention?", *SAGE Journal*, June 2011

involved in program design and delivery.

### **[CROSS REFERENCE CRIMINAL JUSTICE SYSTEM INTERSECTION AND SOCIAL PROBLEMS]**

#### **14.2.1 Jails and prisons should allocate resources to and increase inmate participation in recidivism reduction programs.**

Not all reentry programs produce positive outcomes; therefore, institutions should rely on outcomes emerging from academic research that are validated using scientifically sound methods. Not only will research inform which programs to implement, it will also direct correctional facilities how to implement them in the most effective way. Jails and prisons should look to the Department of Justice's Crime Solutions.gov and The Substance Abuse and Mental Health Services Administration's Evidence-Based Practices Resource Center.<sup>31</sup> Jails and prisons should inventory current programs to identify those that are based on research or outcome data. At the same time, the institutions should annually collect and analyze outcome data on programs that they already offer to ensure that they are producing positive outcomes.

One treatment modality that has produced positive outcomes is cognitive behavioral therapy (CBT), as research shows that it can reduce recidivism by addressing criminal thinking and antisocial tendencies.<sup>32</sup> CBT produces significant reductions in recidivism when implementation is monitored and staff are trained.<sup>33</sup> Jails and prisons can identify other programs with positive outcomes in substance use disorder treatment, sex offender treatment, and some education employment initiatives.

The Iowa Department of Corrections, in partnership with the Pew-MacArthur Results First Initiative, was funded by a BJA's Second Chance Act grant to conduct a detailed inventory of all 79 correctional programs in its facilities.<sup>34</sup> The department of corrections found that nearly half of the programs were neither evidence-based nor directly contributed to re-entry. The department discontinued those 42 programs and shifted resources to match department goals and to programs that had strong evidence based on recidivism reduction.<sup>35</sup>

#### **14.2.2 Jails and prisons should use the risk-need-responsivity principle as a metric to inform enrollment in recidivism reduction programs.**

The RNR principle uses assessment tools to identify the program and service needs of the population. The model identifies high-risk people and allows staff to prioritize their more intensive services and needs from lower risk people. It also directs staff to target criminogenic needs using treatment modalities that have been shown to be the most effective at reducing recidivism.<sup>36</sup> Jails and prisons that implement these principles make better resource allocation decisions, as more resources can be allocated to those of a higher risk level rather than those with a lower risk level.

When the assessments are delivered regularly, the results will help identify the changing program and service needs of the individual while incarcerated. Correctional staff should monitor people placed in the reentry programs and changes that are necessary. For example, the Kate Barnard Correctional Facility for Women in Oklahoma City, Oklahoma, has been able to effectively identify the educational needs of the population and

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<sup>31</sup> [www.crimesolutions.gov](http://www.crimesolutions.gov)

<sup>32</sup> Patrick Clark, "Preventing Future Crime with Cognitive Behavioral Therapy," NIJ Journal 265, No.1, April 2010.

<sup>33</sup> Nana Landenberger and Mark Lipsey "Positive Effects of Cognitive Behavioral Programs for Offenders," Journal of Experimental Criminology, No.4 , 12/05

<sup>34</sup> <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/01/iowas-department-of-corrections-takes-an-innovative-evidence-based-approach>

<sup>35</sup> <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/01/iowas-department-of-corrections-takes-an-innovative-evidence-based-approach>

<sup>36</sup> Sperber, K.G. & Lowenkamp, C.T. "Dosage is more than just counting program hours: The Importance of Role-Playing in Treatment Outcomes", Journal of Offender Rehabilitation (2017), 57 (7): 433-451.

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increase the number of education completions to more than 1,000 in 2019.<sup>37</sup> All persons entering the prison system take an education assessment to determine their educational level. Through these educational assessments, the staff determined that most of the population females had either a sixth- or seventh-grade education level. This information helped the facility decide that they needed more educational instructors and resources for grades six and seven.

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The First Step Act (P.L. 115-391) requires the BOP to develop and use a risk and needs assessment system to

- determine the recidivism risk of each prisoner as part of the intake process and classify each prisoner as having minimum, low, medium, or high risk for recidivism
- assess and determine, to the extent practicable, the risk of violent or serious misconduct of each prisoner
- determine the type, amount, and intensity of evidence-based recidivism reduction programs that are appropriate for each prisoner, and assign each prisoner to such programs accordingly and based on the prisoner's specific criminogenic needs
- reassess the recidivism risk of each prisoner periodically and reassign the prisoner to appropriate evidence-based recidivism reduction programs or productive activities based on the revised determination to ensure that
  - all prisoners at each risk level have a meaningful opportunity to reduce their risk classification during the period of incarceration
  - the specific criminogenic needs of the prisoner are addressed
  - all prisoners are able to successfully participate in such programs<sup>38</sup>

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#### **14.2.3 Jails and prisons should develop incentives to increase participation in recidivism reduction programs. They should also develop technology solutions to facilitate these programs.**

When populations in jails and prisons are allowed to decide whether to participate in recidivism-reduction programming, the institution's ability to have a significant impact on recidivism decreases. Instead, jails and prisons should provide incentives to the population to participate in programming. To do so, prisons should develop strategies that compel such participation (e.g., good time credits, improved housing, increased visitations, or program participation for work credits). The First Step Act (P.L. 115-391), enacted in 2018, seeks to improve recidivism-reduction programming in the Federal Bureau of Prisons. This act allows those who successfully complete recidivism reduction programs to earn additional time credits that allows them to be placed in pre-release custody, such as a reentry center, earlier than previously allowed. Program participation can also lead to additional visitation time or increased phone minutes.

Not everyone in institutions require incentives to participate in programming. For some, it is the lack of space, time, and staffing that creates to program participation. Traditionally, jails and prisons have not allowed for technology advances as they were designed to enforce security priorities. Jails and prisons have

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<sup>37</sup> *President's Commission on Law Enforcement and the Administration of Justice: Hearings on Reentry—State of Reentry* (April 29, 2020) (written statement of Nate Brown, Director of Program Services, Oklahoma Department of Corrections). <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>

<sup>38</sup> <https://www.congress.gov/115/plaws/publ391/PLAW-115publ391.pdf>



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struggled to balance how to use technology, such as internet access, cell phones, and tablets and not allow it to become contraband and misused by the population. Just as technology has been a help in the community, it can also be a help to those in jails and prisons. Technology can help institutions increase the number of program offerings, which in turn reduces the amount of lost programming time because of a lack of physical space, shortage of staff, or a short incarceration sentence. Jails and prisons should maintain safety and security and improve the delivery of programs at the same time. Incentives and technology can enhance both of those goals.

In Kansas, correctional officials partner with the Village Initiative and use smart tablets to offer programming and service linkages to people in prisons.<sup>39</sup> Those who remain infraction-free for a certain period of time and who actively participate in programming receive the tablets. The tablet comes with an application that allows the user to link with service providers in the community. This device also helps promote personal responsibility, as those incarcerated must identify the services they need.

### **14.2.4 Jails and prisons should develop unique reentry program offerings for specific populations, including youthful offenders, women, and veterans.**

The population in jails and prisons represents a range of people, including youth, women, and veterans. Jails and prisons can build their programming team by targeting specific populations and by using non-traditional approaches (e.g., specialized housing units, integrated care, and peer support). According to a 2019 report by the Prison Policy Initiative, approximately 231,000 women are incarcerated, and this rate is growing faster than men.<sup>40</sup> From 1980 to 2017 the number of incarcerated women increased by more than 750 percent.<sup>41</sup> By addressing the needs of the specific populations, prisons and jails can increase their reentry outcomes.

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The National Institute of Corrections Collaborative Casework - Women (CCW-W) aims to help women envision and achieve success by involving the woman, her family, and other identified supports to work toward safely and successfully reintegrating into the larger community.<sup>42</sup> CCW-W's value lies in preparing both institution and community supervision staff to work with medium and higher-risk women to address change at multiple levels and to support improved outcomes beyond reductions in recidivism. Addressing women's risk and needs allows criminal justice professionals to help women mobilize and build adaptive skills to cope with the impact of trauma, mental health issues, parental stress, and other personal criminogenic needs.

#### **[END TEXT BOX]**

**PULL QUOTE:** "At one time in their lives, these men took an oath to protect us. If they were willing to lay themselves on the line for us, we owe them this much." - Sheriff Peter J. Koutoujian<sup>43</sup>

Launched in January of 2016, the Housing Unit for Military Veterans (HUMV) is the only correctional housing unit in Massachusetts reserved solely for veterans. The unit embraces and espouses the values of military culture as both an engagement and treatment technique, tapping into the deep-rooted bonds established by shared military service. In doing so, the program works to mitigate the risk for recidivism by preparing program participants for successful reentry—an effort that begins on the unit and extends beyond the walls of the facility to a network of coordinated community-based services.<sup>44</sup> A newly released NIC document describes many types of jail and prisons programming for military veterans. One example is the Edinburgh,

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<sup>39</sup> <https://www.villageinitiativeinc.com/re-entry-program.html>

<sup>40</sup> [www.prisonpolicy.org/women.html](http://www.prisonpolicy.org/women.html)

<sup>41</sup> The sentencing project; Fact Sheet: Incarcerated Women and Girls, June 2019

<sup>42</sup> Maureen Buell, Correctional Program Specialist, National Institute of Corrections, email communication with the Reentry Working Group, May, 2020

<sup>43</sup> Middlesex Sheriff's Office, HUMV White Paper, Housing Unit for Military Veterans, Aug. 2019

<sup>44</sup> Middlesex Sheriff's Office, HUMV White Paper: Housing Unit for Military Veterans, August, 2019

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Indiana, Correctional Facility's Incarcerated Veterans Education & Transition (INVET) program where incarcerated veterans spend their last two to three years in a separate facility preparing to reenter society.<sup>45</sup>

### **14.2.5 Jails and prisons should screen, assess, and appropriately treat those with behavioral health disorders.**

Jails and prisons are sometimes referred to as the new "mental health hospital" because of the large amount of the population with substance use disorders or mental health issues. According to the National Survey of Drug Use and Health, 4.6 percent of the general population has a serious mental health disorder.<sup>46</sup> BJS reports that the rate of serious psychological distress (SPD) among prisoners (14 percent) is almost three times the rate among the general population, and the rate of SPD among jail inmates (26 percent) is more than five times the rate among the general population.<sup>47</sup> The prevalence of substance abuse is even worse. More than half of jail and prison inmates have substance use disorders that require attention and treatment. According to BJS, from 2007 to 2009, an estimated 58 percent of state prisoners and 63 percent of sentenced jail inmates met the criteria for drug dependence or abuse.<sup>48</sup> In comparison, approximately 7 percent of the total general population age 12 or older had a substance use disorder.<sup>49</sup> People in jails and prisons sometimes present with co-occurring substance use and mental health disorders.

According to Sheriff Peter Koutoujian, during the first three months of the jail's expanded medication assisted treatment (MAT) program, 58 percent of individuals at the Middlesex jail tested positive for illicit drug use at the time of intake.<sup>50</sup> Noting that community-based overdose deaths increased over six consecutive years, the sheriff's office developed a medication assisted treatment program known as the Medication Assisted Treatment and Directed Opioid Recovery (MATDOR) program, which combines pharmaceutical and behavioral interventions. The program also uses "navigators" who work with individuals upon reentry and coordinate with community health care providers. The program has seen a one-year post-release recidivism rate of 10.87 percent for inmates treated with naltrexone, while the recidivism rate for a control group was more than two times that at 24.75 percent. With respect to health outcomes, of the more than 500 inmates who received one or more naltrexone treatments since the program's inception, 95.44 percent have not succumbed to fatal overdose.<sup>51</sup>

This MAT program has been replicated in such institutions as the Sacramento county jail and the Louisville, Kentucky, Metro Department of Corrections.<sup>52</sup>

### **[CROSS-REFERENCE SOCIAL PROBLEMS]**

While MAT programs have shown to work, research from the National Institute on Drug Abuse found that treatment that begins in the correctional facility will not maintain its effectiveness unless it is continued in the community.<sup>53</sup> Further, guidelines state that for people who receive MAT, physicians and the patient

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<sup>45</sup> Barrack Behind Bars II, National Institute of Corrections

<https://s3.amazonaws.com/static.nicic.gov/Library/033092.pdf>

<sup>46</sup> Key Substance Use and Mental Health Indicators in the United States: Results from the 2018 National Survey on Drug Use and Health page 44 <https://www.samhsa.gov/data/sites/default/files/cbhsq-reports/NSDUHNationalFindingsReport2018/NSDUHNationalFindingsReport2018.pdf>

<sup>47</sup> <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=5946>

<sup>48</sup> <https://www.bjs.gov/content/pub/pdf/dudaspi0709.pdf>

<sup>49</sup> Key Substance Use and Mental Health Indicators in the United States: Results from the 2018 National Survey on Drug Use and Health page 40 <https://www.samhsa.gov/data/sites/default/files/cbhsq-reports/NSDUHNationalFindingsReport2018/NSDUHNationalFindingsReport2018.pdf>

<sup>50</sup> Middlesex Sheriff's Office Opioid Treatment Program: 120-Day Fact Sheet." (January 1, 2020)

<sup>51</sup> Middlesex Sheriff's Office Opioid Treatment Program: 120-Day Fact Sheet." (January 1, 2020)

<sup>52</sup> Peter Koutoujian, Sheriff, Middlesex County, MA. Reentry—State of Reentry Working Group Member, in discussion with Reentry—State of Reentry Working Group Chair, Virtual Meeting, April 15, 2020.

<sup>53</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3859122/>

should make decisions about continuing and selecting medications.<sup>54</sup> This illustrates the importance of bridging programs that start in the institutions to continue in the community, which ensures a continuum of care.

### **14.2.6 Jails and prisons should use community service-based organizations and private businesses to provide programming that support internal reentry programming and enhance community support.**

Jails and prisons should develop partnerships with nonprofit and community-based agencies, including faith-based organizations, to support their programming. These partnerships can include skill-based activities, family unification, and mentoring. External organizations bring additional services to previously incarcerated people, while they also connect them to community-based providers prior to release. Reentry efforts are more successful when identified programming needs begin in the institution and are continued in the community.

When communities can deliver such activities, this can result in jails and prisons saving resources, funds, and staffing. In addition, the institutions will develop a network of providers to strengthen the continuum of care as people return to the community.

Traditionally, jails and prisons have relied on industries for such skill-based development as printing, food preparation, and landscaping. The challenge for jails in providing these types of skills is that people in jails are often there for short period of times and may be unable to complete the activity. While these industries are important, jails and prisons can expand the type of offering by also using such external community resources as job training, working in collaboration with them to ensure an individual's employment success upon reentry. This requires jails and prisons to assess which vocational skills are relevant and needed in the community job markets to which their populations return.

The Shifting Gears program highlights a collaboration between a private nonprofit (Bicycle Garage Indy) and the Indiana Department of Corrections, and it was designed to bring vocational training to the prison population.<sup>55</sup> The program started at the Pendleton Correctional Facility in 2006 and is now offered to people who are incarcerated at the Putnamville Correctional Facility. Under guidance from the department of corrections, selected populations learn how to repair bicycles that have been donated to the Shifting Gears program. Upon successful completion of the vocational training, they are offered a job at the bicycle shop when they leave the facility.

Girl Scouts Beyond Bars (GSBB) arranges mother–daughter meetings at the correctional facility twice a month.<sup>56</sup> Mothers and daughters participate in a two-hour enhanced visit in the form of a Girl Scout troop meeting that includes crafts, games, badge work, and character and team-building activities. The girls also participate in traditional in-community troop meetings and council-wide activities, such as earning badges and taking trips. The program provides support and connection to incarcerated parents, caregivers, and guardians with community resources upon release.

### **14.2.7. Jails and prisons should have sound case management practices that support and track assessments, program referrals, program progress, and completions.**

Jails and prisons should have dedicated staff who are responsible for case management. These positions are often referred to as case managers, counselors, or reentry specialists. In this era of criminal justice reform, these positions are just as vital to facility operations as security positions. These staff members manage the case files and serve as the facilitator for the inmate. The case management system is the foundation for reentry planning and transition, and it ensures all the person's needs are being met while they are in the

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<sup>54</sup> DC Research Infrastructure Building & Initiative to Reach, Engage, and Retain in MAT patients with OUD (NIH HEAL Initiative)

<sup>55</sup> <https://www.bgindy.com/articles/shifting-gears-bike-donations-pg950.htm>

<sup>56</sup> <https://www.gsep.org/en/give/girl-scouts-beyond-bars.html>

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institution. The case management file includes information on assessment findings, program participation status and progress, and disciplinary actions.

The NIC “Transition from Jails to Community Initiative” (TJC) outlines case management principles:

- Case management services are provided to clients who have been screened as medium or high risk to reoffend.
- Clients receive a comprehensive case plan that builds upon needs assessment by specifying interventions that address the client’s identified criminogenic needs.
- A single case plan is used by all agencies that interact with the client (i.e., the jail, probation, and community-based service providers), and the case plan follows the client into the community upon release from jail.
- Jail staff coordinate with staff from community-based organizations to ensure that clients are referred to appropriate programs and services.<sup>57</sup>

### 14.3 Reentry Release and Transition Planning

#### *Background*

Reentry and transition planning is key to successful reentry, and it is also an investment in public safety and the social and economic health of families and communities. In most cases, release and transition planning requires an effective jail and prison case management system to hand off previously incarcerated persons to the community supervision agencies. This hand-off ensures an individual’s needs and services continue upon their return to the community, which helps reduce the barriers to reentry. Criminal records have a lasting effect on a person’s ability to have a sustainable life after completing their sentence. The National Inventory of Collateral Consequences of Conviction catalogs more than 44,000 state and federal collateral consequences, about half of which are related to employment or employment-related activities, such as obtaining loans or licenses.<sup>58</sup> BJS reports that 65 percent of state prisoners do not have a high school degree.<sup>59</sup> In another report, high school dropouts are 47 more times likely to be incarcerated than peers with a four-year degree.<sup>60</sup> These statistics alone create a huge barrier for sustainable employment opportunities for persons who reenter the community.

Populations inside jails and prisons have a number of needs to be met upon release, and a formal process is necessary to identify and meet them. Release and transitional planning is a proactive way to link people who were incarcerated to the necessary community services before these people exit the institutions. Upon release, these people should have immediate access to obtaining driving licenses, identification documents, and medical and mental health treatment services.

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<sup>57</sup> <https://nicic.gov/transition-from-jail-to-community>

<sup>58</sup> <https://niccc.csgjusticecenter.org/about/>

<sup>59</sup> BJS Special Report: Education and Correctional Populations <https://www.bjs.gov/content/pub/pdf/ecp.pdf> p 1

<sup>60</sup> Caitlin Curley, How Education Deficiency Drives Mass Incarceration, [www.genfkd.org/education-deficiency-drives-mass-incarceration](http://www.genfkd.org/education-deficiency-drives-mass-incarceration)

### *Current State of the Issue*

**PULL QUOTE:** “We must craft policies to ensure that Americans with criminal records have a fair shot at a decent life. We must remove barriers to employment, housing, public assistance, education, and building good credit.”<sup>61</sup> - *American with Criminal Records*

Release and transition planning can be a challenge for jails and prisons because they often require significant collaborations and coordination with external local government and community agencies. Moreover, many communities lack the necessary resources. To account for this, jails and prisons must promote and advocate for offender transition and reentry services. Release and transition planning begins when people enter the system and their risk and needs are assessed. After the programming is administered inside jails and prisons, another assessment is completed 30 days prior to release to develop the individual’s release and transition planning for reentry in the community. The release plan must be implemented effectively, which requires coordination among various agencies.

#### **14.3.1 State legislatures, in collaboration with criminal justice leaders, should review, identify, and eliminate legislation and regulations that pose barriers to successful reentry.**

Each state should review its laws and regulations in collaboration with representatives from corrections, courts, and community supervision agencies. By reviewing and eliminating such law and regulations, states can remove unnecessary barriers to successful reintegration into community. According to the National Inventory of Collateral Consequences of Conviction, collateral consequences are “legal and regulatory restrictions that limit or prohibit people convicted of crimes from accessing employment, business and occupational licensing, housing, voting, education, and other rights, benefits, and opportunities.”<sup>62</sup>

A 2019 U.S. Commission on Civil Rights report found that collateral consequences worsen punishment beyond the criminal conviction after an individual completes the court-imposed sentence.<sup>63</sup> Valid public safety bases support some collateral consequences; however, many are unrelated either to the underlying crime for which a person has been convicted or to a public safety purpose. In addition, harsh collateral consequences that are unrelated to public safety increase recidivism by either limiting or completely barring a formerly incarcerated person’s access to personal and family support. The general public, attorneys, and courts often lack knowledge of the collateral consequences in their jurisdiction; how long they last; whether they are discretionary or mandatory; or even if they are relevant to public safety. This absence of awareness undermines any deterrent effect that might flow from attaching such consequences to criminal convictions.

The report recommends, “Collateral consequences should be tailored to serve public safety. Policymakers should avoid punitive mandatory consequences that bear no rational relationship to the offense committed, and impede people convicted of crimes from safely reentering and becoming contributing members of society. Jurisdictions should periodically review the consequences imposed by law or regulation to evaluate whether they are necessary to protect public safety and if they are related to the underlying offenses.”<sup>64</sup>

Alaska has 646 different federal and state restrictions for people who were incarcerated, including legislation that prohibits them from obtaining a fishing license. Changes to legislation such as this can improve an individual’s chances for reentering the community successfully. An examination of these laws will also allow supervision agencies and parole authorities to set realistic and attainable release conditions. Organizations

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<sup>61</sup> <https://www.sentencingproject.org/wp-content/uploads/2015/11/Americans-with-Criminal-Records-Poverty-and-Opportunity-Profile.pdf>

<sup>62</sup> <https://niccc.csgjusticecenter.org/about/>

<sup>63</sup> Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities [<https://www.usccr.gov/pubs/2019/06-13-Collateral-Consequences.pdf>]

<sup>64</sup> COLLATERAL CONSEQUENCES: The Crossroads of Punishment, Redemption, and the Effects on Communities, U.S. Commission on Civil Rights, June 2019  
<https://www.usccr.gov/pubs/2019/06-13-Collateral-Consequences.pdf>

like the National Council of State Courts extend assistance to states in how to restructure these types of legislation. In addition, the Uniform Law Commission offers a Uniform Collateral Consequences of Conviction Law for states to consider.<sup>65</sup>

### **14.3.2 States or counties should establish reentry councils—in collaboration with service agencies, nonprofit organizations, and private businesses—to enhance the development and coordination of reentry initiatives for jails and prisons.**

Reentry councils are a collaboration of housing, employment, education, medical service providers, departments of motor vehicles, nonprofit organizations such as faith-based groups, department of corrections jails, law enforcement, sheriffs, district attorneys, prosecutors, community supervision, legislators, higher education officials, and the courts. These councils should promote the importance of reducing recidivism and victimizations. In some states, they have become a forum for sharing best practices and evidenced-based programs for jails and prisons. They should work to identify gaps in services needed and advocate for reducing barriers to reentry. Such councils are currently in Philadelphia, Virginia, Washington, and North Carolina. The North Carolina Department of Public Safety manages the daily operations of the State Reentry Council Collaborative of North Carolina, established by the North Carolina General Assembly and governor in 2017. While the council collaborative is staffed with state service agencies, they have also included the North Carolina Community College System<sup>66</sup>.

### **14.3.3 Jails and prisons should ensure people have primary identification documents and eligible benefits at least 60 days prior to release.**

A birth certificate, driver's license, and a social security card are often necessary to obtain benefits such as Social Security Supplemental Income, Social Security Disability Insurance, Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Program for Women, Infants, and Children (WIC), health care coverage (e.g., Medicare), and food assistance. Jails and prisons should have a formal process to obtain peoples' identification documents, assess the types of benefits or services they are eligible for, and complete applications to secure the benefits. While these are critical benefits, primary identification are used for securing other government services. Services involving employment, licensure, education, and voter registration are some examples. Obtaining proper identification and benefits in advance gives people a head start on reentry by facilitating the process.

John Koufos, Right on Crime National Director of Reentry Initiatives, says what "I think is a really nice place that the commission can focus on—are incentivizing prisons when DOJ money goes to prisoner reentry efforts whether it's in the prison and state, that every inmate needs to leave incarceration with a DMV—a Department of Motor Vehicle—non-driver identification card or a driver's license, not a prison ID. Even in states like New Jersey, the prison is still releasing almost all their inmates with a prison ID, which is valueless; it's worth about one point when you try to get a real identification—a real ID card now."<sup>67</sup>

Through the Divvy For Everyone program, Chicago residents who receive services such as Supplemental Nutritional Assistance (SNAP); Women, Infants, and Children (WIC); or public housing assistance can purchase an annual pass for \$5 to access a bike-share program for the first year, with the annual cost increasing each year.<sup>68</sup> Under this program, people formerly incarcerated would have access to affordable transportation

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<sup>65</sup> <https://www.uniformlaws.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=e10bf430-9e1c-25dd-7780-c90fc4dec954&forceDialog=0>

<sup>66</sup> <https://www.ncdps.gov/our-organization/adult-correction/reentry-programs-and-services/state-reentry-council-collaborative>

<sup>67</sup> *President's Commission on Law Enforcement and the Administration of Justice: Hearings on Reentry—State of Reentry* (April 23, 2020) (statement of John Koufos, National Director of Reentry Initiatives, Right on Crime) <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>

<sup>68</sup> [www.divvybikes.com](http://www.divvybikes.com)

because they met the criteria for the other benefits. This is an example of how possessing primary documentation and accessing benefits and services are interrelated.

### **14.3.4 Reentry councils should study and recommend policies that address some of the financial burden created by the collection of court fees, fines, overdue child support, traffic payments, and other fees.**

Court fees and fines are often established without consideration of the persons' income level. People returning to their communities from jails and prisons are often unable to pay fines because of their difficulty in obtaining employment that provides a living wage. An estimated 60 to 75 percent of persons previously incarcerated are still unemployed a year after release.<sup>69</sup> As they continue to seek meaningful employment, fees and fines unjustly burden people with debt.<sup>70</sup>

Child support payments should be suspended while people are incarcerated. Upon entering the community again, child support orders should be reviewed and based on the persons' current income level. In many jurisdictions, unpaid child support fees will lead to suspension of drivers' licenses. Failure to pay these fees and fines can result in technical violations and a return to jail.

In Los Angeles, a motion passed in February 2020 that ends the imposition and collection of all discretionary criminal legal fees and discharges all outstanding debts.<sup>71</sup> Also, the Criminal Justice Policy Program at Harvard Law School has proposed a structured framework for courts to use in imposing fees, which allows for means-adjusted fines as a part of the sentence for an offense. They believe that "courts can ease or prevent the worst harms that excessive financial sanctions create for poor people."<sup>72</sup>

### **14.3.5 Jails and prisons should administer reassessments for education, employment, substance use disorders, and mental health disorders 60 days prior to release to ensure proper placements for services in the community.**

Jails and prisons provide education and employment skills while people are incarcerated, and they should also plan how to continue to address this need in the community. Correctional facilities should work with the reentry councils to research and understand the community's labor needs, which will identify the necessary skills that incarcerated persons should have when they reenter the community.

Further, jails and prisons provide mental health services inside the facility, so reassessments before release are also necessary to plan a continuum of care. This should involve the transfer of health and mental health records to the community or a private health provider. When appropriate, people leaving the institutions should be given a 90-day supply of medications to ensure there is no gap in medication delivery.

### **14.3.6 The Bureau of Justice Assistance and the Department of Housing and Urban Development should develop strategies for people who were formerly incarcerated that increase positive reentry outcomes.**

According to the Council of State Governments, more than 10 percent of those coming in and out of jails and prisons are homeless following their release.<sup>73</sup> Affordable housing and homelessness is a critical social problem for the larger community, which means people formerly incarcerated are competing with the larger community for scarce resources. Homelessness or living in a high crime neighborhood should be avoided by

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<sup>69</sup> National Institute of Justice, Overview of Offender Reentry, June 7, 2013,

<https://nij.ojp.gov/topics/articles/overview-offender-reentry>

<sup>70</sup> Matthew Menendez, Michael F. Crowley, Laren-Brooke Eisen, Noah Atchison, November, 2019, "The Steep Cost of Criminal Justice Fees and Fines, Brennen Center"

<sup>71</sup> SB 144 Criminal Fees – Eliminating Los Angeles County Criminal System Administrative Fees

<sup>72</sup> Sharon Brett, Mitali Nagrecha, September 2019 "Proportionate Financial Sanctions: Policy Prescriptions' for Judicial Reform," Harvard Law School

<sup>73</sup> Patricia McKernan, 2017, *Homelessness and Prisoner Reentry: Examining Barriers to Housing Stability and Evidence-Based Strategies that Promote Improved Outcomes*

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people who were formerly incarcerated. Currently, very few jails and prisons have implemented housing strategies or programs, and that leads to negative reentry outcomes. The lack of housing can cause instability, which may lead to homelessness. Even if issues of substance use, mental health disorders, education, or employment are addressed, the lack of stable housing can be disruptive to reentry efforts.

The Reentry Housing Pilot Program is a collaboration with the Washington State Department of Corrections to provide reentry services to people exiting the system. People live in subsidized apartments, must participate in necessary treatment, and must secure employment to be self-sufficient. In an assessment of this program, participants showed statistically significant reductions in new offenses and readmission to prison. The assessment also found lower levels of parole revocations among participants.<sup>74</sup>

In another example, the Illinois Department of Corrections, the Chicago Department of Housing, and the Illinois Housing Development Authority have partnered with the St. Andrews Ministries in Chicago to provide a setting in which men who have successfully completed the St. Leonard's House transitional or half-way program can find continued support in their journeys toward independence. This is accomplished through their obtaining safe, affordable housing in addition to a comprehensive program of supportive services. For those people returning to the community, this housing is the next level up from a halfway house. It offers 42 one-bedroom furnished apartments, free medical testing, and financial planning workshops.<sup>75</sup>

### [CROSS-REFERENCE SOCIAL PROBLEMS]

## 14.4 Community Supervision and Reentry

### *Background*

A majority of people who were incarcerated will be placed on some level of community supervision after serving time in jail or prison (80 percent were released to parole supervision).<sup>76</sup> By the end of 2016, approximately 4,537,100 people—one in 55 adults—were on some type of community supervision.<sup>77</sup> At this same time, 2.3 million people were incarcerated in jail or state or federal prison, meaning two-thirds of people under correctional control in 2016 were in the community.<sup>78</sup>

Community supervision was originally designed to be less punitive than jails and prisons, but the large number of people on community supervision has made it difficult for those agencies to produce recidivism-reducing strategies. In some states, community supervision officers hold responsibility for monitoring and managing reentry needs of more than 100 people on supervision. As the community supervision officers struggle to manage such a large number, those individuals often find themselves on their own to identify and secure needed services.

Many people on community supervision are returned to jails and prisons for non-criminal violations. A quarter of all state admissions in 2017 were for breaking minor supervision rules known as technical violations—such as opening a credit account, missing an appointment, or failing a drug test. This contributes to the continued recycling of people in and out of jails and prisons.

**[ADD GRAPHIC** from – Confined and Costly; How Supervision Violations Are Filling Prisons and Burdening Budgets, Council of State Governments, [csgjusticecenter.org](http://csgjusticecenter.org)]

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<sup>74</sup> Homelessness and Reentry: A Multisite Outcome Evaluation of Washington State's Reentry Housing Program for High Risk Offenders, Criminal Justice and Behavior, Faith Lutze, Jeffery W. Rosky, Zachary Hamilton, Dec. 2013

<sup>75</sup> [www.slministries.org.org/sac/](http://www.slministries.org.org/sac/)

<sup>76</sup> <https://www.bjs.gov/content/reentry/reentry.cfm>

<sup>77</sup> BJS – Probation and Parole in the United States, 2016, April 2018, NCJ 251148

<sup>78</sup> BJS – Probation and Parole in the United States, 2016, April 2018, NCJ 251148 – no pagination in original



### *Current State of the Issue*

A 2020 report from The Pew Charitable Trusts identifies five challenges for community supervision:

- Community supervision is a leading driver of incarceration.
- Excessive rules can present barriers to successful completion of supervision.
- Agencies often inappropriately supervise low-risk individuals.
- Overextended supervision officers have less time to devote to high-risk, high-need individuals.
- Many people with substance use or mental health disorders do not receive treatment.<sup>79</sup>

Community supervision is an integral part of the criminal justice system. BJS states that nearly 80 percent of those released from state prisons will be placed onto parole community supervision.<sup>80</sup> In the reentry process, it is often referred to as the hand-off from the jail or prison. Nearly 7 in 10 persons under correctional supervision were supervised in the community (4,537,100) on December 31, 2016, and 3 in 10 (2,162,400) were incarcerated in state or federal prisons or local jails.<sup>81</sup> The community supervision agency is charged with maintaining public safety and ensuring that people who were incarcerated are monitored and comply with conditions of release. The case plan is the vehicle that shapes how community supervision officers monitor and manage people on supervision and how they interact in their communities. Many types of case management models are in use; therefore, community supervision agencies must ensure fidelity to the case management process to improve reentry outcomes.

#### **14.4.1. Jails and prisons should share case management information with community supervision agencies 60 days prior to an individual's release.**

The most current assessment tool (the fourth generation at the time of publication) provides the baseline data of people who were incarcerated from their entrance into the institution until their exit. Community supervision agencies should use all of the information in the jail or prison case management file to plan and develop the supervision case plan. The jail or prison case management file provides the community supervision officer with information about the individual's adjustments, changes, and needs while that person was incarcerated. This soft hand-off is a crucial point to reentry planning and transitioning. Without this collaboration, there is no roadmap for what the person needs upon reentry.

At the Iowa Department of Community Supervision, community supervision officers conduct a formal meeting with jail and prison case managers to discuss each person's assessment and overall institutional adjustment.<sup>82</sup> In Georgia, the State Board of Pardons and Parole developed an assessment tool, the Next Generation Assessment (NGA).<sup>83</sup> This automated risk assessment pulls data directly from their case management and correctional databases to set the initial supervision standard. The NGA informs institutional programming and case management decisions both inside the institutions and while the individual is under community supervision.

#### **14.4.2 Community supervision agencies should develop case management plans that are tailored and sequenced to the needs of the person. These plans should be in place within 20 days of placement.**

Parolees who receive sequenced services are significantly less likely to be rearrested or reconvicted for new

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<sup>79</sup> Pew Trusts, Policy Reforms Can Strengthen Community Supervision: A Framework to Improve Probation and Parole, April 23, 2020, p 1-4

<sup>80</sup> <https://www.bjs.gov/content/reentry/reentry.cfm>

<sup>81</sup> <https://www.bjs.gov/content/pub/pdf/cpus16.pdf>

<sup>82</sup> Sally Kremer, Director, 5<sup>th</sup> Judicial District, Department of Correctional Services, virtual site visit of the Judicial District Community Supervision, May 13, 2020

<sup>83</sup> The Georgia Prisoner Reentry Initiative – Recidivism Reduction Project, p. 1 no date provided [https://dcs.georgia.gov/sites/dcs.georgia.gov/files/related\\_files/site\\_page/2014%20Statewide%20Recidivism%20Reduction%20Program%20Narrative.pdf](https://dcs.georgia.gov/sites/dcs.georgia.gov/files/related_files/site_page/2014%20Statewide%20Recidivism%20Reduction%20Program%20Narrative.pdf)

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crimes within eighteen months of release.<sup>84</sup> Sequencing, also known as frontloading services, means prioritizing the most important needs, and concentrating the services for the person in the first 20 days after being placed on community supervision. Because people who leave institutions have a myriad of needs, community supervision agencies must decide which of those needs require immediate attention. To best address the individual's needs, this planning and collaboration should occur prior to release from jails or prisons to allow people to receive treatment services when it is most needed, immediately upon release. Recidivists are most likely to commit their new offense within two years of release.<sup>85</sup> The implication is for community supervision agencies to increase the officers' efforts, time, and resources during this critical time frame.

Federal Bureau of Investigation Special Agent Jason Hardy states, "Parole officers who can put clients immediately into needed healthcare services—especially among clients suffering from substance abuse disorders and mental health struggles—have a far better chance of keeping clients from reoffending."<sup>86</sup>

[INSERT TABLE FROM <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6266> annual arrest data of recidivism study]

### **14.4.3 Community supervision agencies should include engagement strategies and case management plans that promote the protective factors of people on supervision.**

The desistance model assumes that people will desist from crime when protective factors, such as strength-based individuals or activities, are introduced into their lives. The model believes that people formerly incarcerated return to the community with both risk and strengths. Therefore, it becomes the work of the supervision officer to identify who or what will serve as stabilizing anchors in the community for that client. Supervision officers serve as both a law enforcement officer and social worker, as they can engage with their clients to facilitate positive supports and opportunities in their community while holding people accountable. These positive social interactions can improve reentry outcomes.

At the Iowa Department of Community Supervision, officers are trained to mitigate a person's risk by enhancing those protective factors. Case management plans are designed to protect those factors and increase their existence. By so doing, the probability a person will commit a new crime will decrease.<sup>87</sup>

### **14.4.4 Community supervision agencies should adopt a case management model and provide training annually to officers, prosecutors, parole boards, and courts on that model.**

There are many different case management models, and how they are implemented determines how successful the clients will be. Supervision officers often have different practices for their caseloads. Unfortunately, many agencies have difficulty implementing all aspects of these training curriculums, particularly regarding follow-up coaching. The quality of implementation can significantly have an impact on the effectiveness of an intervention.<sup>88</sup> For some agencies, trainings can be huge resource investment and most compete with other training priorities. Agencies should have training plans that ensure the effectiveness of officers in performing their responsibilities. Supervision officers should maintain uniformity when developing case plans with goals, making needed referrals, determining program progress, identifying incentives to ensure compliance, and making changes to the case management plan.

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<sup>84</sup> Ostermann, M., & Hyatt, J. (2018). When Frontloading Backfires: Exploring the Impact of Outsourcing Correctional Intervention on Mechanisms of Social Control. *Law & Social Inquiry*, 43(4), 1308-1339.

<sup>85</sup> The Marshall Project, Seven Things to Know About Repeat Offenders, March 2016

<sup>86</sup> President's Commission on Law Enforcement and the Administration of Justice: Hearing on Reentry (April 23, 2020) (statement of John Hardy, FBI Agent). <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings> Jason Hardy, FBI Agent, Hearing 4/23/20, verbal testimony

<sup>87</sup> Sally Kreamer, Director, 5th Judicial District, Department of Correctional Services, virtual site visit of the Judicial District Community Supervision, May 13, 2020

<sup>88</sup> Federal Probation: "Coaching: The Path to Proficiency from The Officers' Perspective," Sept. 2013

## Deliberative and Pre-decisional

Community supervision agencies should also use coaches to help the officers implement the case management model. Coaching allows for supervision officers to work with a case model expert who provides advice, support, and additional training. In addition, other parts of the criminal justice system should understand the model that agencies are using.

### **14.4.5 Community supervision agencies should use the risk-need-responsivity model to identify and allocate an appropriate level of supervision and programming for people on supervision.**

Risk assessment tools identify those people who have a higher risk of committing new crimes, which is the population that requires the most supervision and interaction. Community supervision agencies can better allocate staff and funds on those people with a moderate-to-high risk of reoffending. By targeting more resources on the persons who are high risk, public safety will be enhanced. Some community supervision agencies are moving in this direction. For example, some community supervision agencies use remote reporting and supervision as a way to supervise low risk populations.<sup>89</sup> In this model, people are allowed to submit reports on employment status, living arrangements, and other important data using smartphones to supervision officers. This allows the supervision officers to focus their time and efforts on the high risk people, making home and work visits and other needed interventions.

### **14.4.6 Community supervision agencies and paroling authorities should work together to tailor release conditions based on a person's risk and need.**

Standard conditions are rules that will apply to everyone on supervision, regardless of the risk assessment. Usually, these standard conditions are part of the policy and procedure; in some cases, it is part state legislation. In some states, more than 20 standard conditions are applied to people on community supervision, and these conditions are often in addition to special conditions that are set by the state parole board authority.

Some examples of standard conditions include having a condition of no drinking when the person does not have a substance abuse risk factor, or requiring people to attend church services. From both a practical and realistic perspective, there is a limit to the number of conditions that can be meaningfully met to manage risk. Placing too many conditions on a person who is on supervision may lead to over-conditioning until it becomes burdensome, which can lead to an increase in technical violations. These technical violations often result in a return to jail or prison. Increasing the number of conditions does not necessarily manage risk, and many states have eliminated some of these standard conditions.<sup>90</sup> Conditions should be individualized to manage the persons' unique risk factors as well as improve reentry outcomes.

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<sup>89</sup> American Probation and Parole Association, April 2020, Issue Paper: *Leveraging the Power of Smartphone Applications to Enhance Community Supervision*, P. 6

<sup>90</sup> Probation and parole: history, goals and decision-making: Research Assessing the Effectiveness of Corrections, April 2020