



# **Department of Justice**

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**STATEMENT FOR THE RECORD OF  
MARY LOU LEARY  
ACTING ASSISTANT ATTORNEY GENERAL**

**BEFORE THE  
SUBCOMMITTEE ON CRIME AND DRUGS  
COMMITTEE ON THE JUDICIARY  
UNITED STATES SENATE**

**ENTITLED  
"THE FIRST LINE OF DEFENSE: REDUCING RECIDIVISM  
AT THE LOCAL LEVEL"**

**NOVEMBER 5, 2009**

**MARY LOU LEARY  
ACTING ASSISTANT ATTORNEY GENERAL  
OFFICE OF JUSTICE PROGRAMS  
U.S. DEPARTMENT OF JUSTICE**

Mr. Chairman, Ranking Member Kyl and Members of the Subcommittee: I am pleased to have the opportunity to discuss the Department of Justice's (DOJ) efforts to reduce the nationwide recidivism rate, decrease the billions of dollars spent annually on incarceration and ensure returning offenders have the tools they need to become contributing members of their communities. We appreciate this Subcommittee's interest in this issue.

My name is Mary Lou Leary and I am the Acting Assistant Attorney General for the Office of Justice Programs (OJP) within the Department of Justice. OJP's mission is to provide leadership and services in grant administration as well as criminal justice policy development to support local, state and tribal justice strategies to achieve safer communities.

According to OJP's Bureau of Justice Statistics, there are currently more than 1.5 million individuals serving time in federal and state prisons and another 786,000 incarcerated in local jails. About 725,000 offenders are released from prison and millions of people cycle through local jails every year. Ninety-five percent of all prisoners incarcerated today will eventually be released and will return to their communities. In the vast majority of cases, these offenders have received little or no preparation for their return to society. As a result, many return to prison, having committed more crimes and victimized more people. This is a serious matter of public safety, and at OJP we're responding to this challenge in a number of ways.

First, as a general matter, we believe we have a responsibility to be not only tough on crime, but – more importantly – smart on crime. This means supporting programs that are backed by evidence of effectiveness. Second, we need to make sure that returning offenders have the tools they need to become contributing members of their communities. Our role is to facilitate partnerships between community groups and corrections and other justice system agencies to make sure services, such as job training, substance abuse and mental health treatment, and housing and employment assistance, are available beginning at an offender's incarceration and continuing after release.

At OJP, we're working toward this goal through our Second Chance Act Offender Reentry Initiative. In Fiscal Year (FY) 2009, OJP's Bureau of Justice Assistance (BJA) and Office of Juvenile Justice and Delinquency Prevention (OJJDP) solicited applications under five grant programs: Second Chance Act Mentoring Grants to Nonprofit Organizations; Second Chance Act Prisoner Reentry Initiative Demonstration Grants; Second Chance Act National Adult and Juvenile Offender Reentry Resource Center; Second Chance Act Youth Offender Reentry Initiative; and Second Chance Juvenile Mentoring Initiative.

These comprehensive programs are designed to assist individuals' transition from prison back into the community through a variety of services for adult and juvenile offenders such as mentoring, literacy classes, job training, education programs, substance abuse, rehabilitation and mental health programs. Specifically, the Mentoring Grants to Nonprofit Organizations and Youth Mentoring Grants are designed to support organizations that provide mentoring services for adult and juvenile offenders. The Youth Offender Reentry Initiative and the Adult Offender Demonstration Projects provide grant funding to local, state and tribal entities and may be used

for a constellation of services promoting successful reentry among juvenile and adult populations, such as pre-release planning and coordination, employment services, substance abuse and mental health treatment, housing, family programming, mentoring, victims services, and methods to improve release and revocation decisions using risk-assessment tools. The National Adult and Juvenile Offender Reentry Resource Center provides technical assistance and training in policy development, offender reentry programs and research.

In October 2009, OJP announced more than \$28 million in grant funding to states, local governments and non-profit organizations through these five initiatives, which support reentry programs throughout the United States. OJP also announced the creation of the National Adult and Juvenile Offender Reentry Resource Center with a national partner, the Council of State Governments (CSG) Justice Center. Through the Reentry Resource Center, OJP, the CSG Justice Center and many other national organizations will provide valuable training and technical assistance to states, localities and tribes to develop evidenced-based reentry programs that will help reduce the recidivism rate, while still protecting the communities they serve. Grants awarded under these five initiatives were based on a program's evidence-based process and the delivery of evidence-based services during and after confinement.

For example, the Center for Children and Families (CFC) in Ohio received a Second Chance Act Mentoring for Non-profit Organizations Grant to establish a mentoring program that aims to assist individuals who are currently incarcerated as they transition back into the community. Working closely with other reentry organizations and the Ohio Department of Rehabilitation and Corrections, the program uses a four-phase structure, beginning with

assessment and identification of needs. In the second phase, the clients, mentors and service providers create a reentry plan and begin GED certification if necessary. Education and employment training occur in the third phase, and placement occurs in the fourth phase. Mentors ensure the clients are transitioning successfully for at least 180 days, but mentors are meant to serve as positive role models and assist the clients throughout the process, and will remain in contact with the clients for a year.

Another example is in New York, where Adult Demonstration grant funds will be used to support and expand Harlem Parole Reentry Court operations. Specifically, the funds will support: Pre-Discharge Planning, including conducting comprehensive pre-release assessments of potential participants to identify service needs to develop customized treatment and supervision plans for each participant; Assessment, using the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) within first week of release, at 3 months, at 4.5 months and at 6 months, which will refine supervision plans (COMPAS is a statistically based risk and needs assessment specifically designed to assess key risk and needs factors in adult and youth correctional populations); Judicial Monitoring, including required appearances at the court so compliance and progress can be monitored; Collaborative Case Management and Coordinated Services; Cognitive Behavioral Therapy; Job Readiness and Employment; Family Support; Housing; Victim Services; Graduation and Case Transfer; and Aftercare. This program relies heavily on collaboration with the New York Office of the Criminal Justice Coordinator, the Division of Parole, the New York State Department of Correctional Services, the City's police, fire, correction, probation and juvenile justice departments, the Center for Court Innovation and the Upper Manhattan Reentry Task Force.

The Administration is committed to furthering the goals of the Second Chance Act. The President's FY 2010 budget request includes \$100 million for the Second Chance Act Offender Reentry Initiative. This funding level represents an increase of \$75 million over the FY 2009 funding level. In addition, the budget proposes to set aside \$10 million for research authorized under the Second Chance Act, furthering our goals in supporting evidence-based initiatives.

OJP is committed to focusing on better outcomes for communities and not relying exclusively on punishment. Problem-solving courts are one way to do this. Drug treatment courts, for instance, place non-violent offenders in treatment, not in prison, so that the underlying cause of their criminality – addiction – can be addressed.

Research supports the conclusion that drug courts significantly improve mental health and substance abuse treatment outcomes, substantially reduce crime, and produce greater cost benefits than any other justice strategy. In May 2008, with support from BJA, the National Drug Court Institute released its National Report Card on Drug Courts and Other Problem-Solving Court Programs in the United States. This report shows that problem solving courts, such as Drug Courts and Mental Health Courts are demonstratively effective. Also, in February of 2005, the Government Accountability Office (GAO) issued its third report on the effects of adult criminal drug courts. Results from 23 program evaluations confirmed that drug courts significantly reduced crime (<http://www.gao.gov/new.items/d05219.pdf>).

To assist state, local and tribal governments in implementing successful Drug Court programs, OJP awarded more than \$28 million under the Adult and Juvenile Drug Court Discretionary Grant Programs in FY 2009. During that same fiscal year there was a 147 percent increase in adult drug court grantees - BJA reviewed 162 applications and \$19.9 million was awarded to fund 93 adult drug court grants. In addition to these awards, \$2.4 million was set aside to fund training and technical assistance initiatives; \$400,000 was used to fund an Adult Drug Court Research to Practice Initiative; \$4.8 million for a supplemental training and technical assistance program; \$80,000 for the National Drug Court Conference; \$1.25 million was awarded to the National Drug Court Institute and to the Model State Drug Laws each; and \$10 million was transferred from BJA to OJJDP for juvenile and family drug court programs.

In pursuing its goals of reducing recidivism and increasing desistance from criminal activity, the Department recognizes the need to partner with states to help them reduce incarceration while maintaining, or even improving, the safety of their communities. Research shows that spending more on prisons does not mean more public safety. We are working with state probation and parole agencies to help them focus their efforts and their criminal justice dollars on targeting high-risk offenders, reducing prison populations and using the money saved on efforts that better serve public safety.

Despite some of the progress we're making, recidivism remains a complicated problem and we need to acknowledge that there is a lot more to learn in this area. At OJP, we are committed to investing in research to make sure we spend our public dollars wisely. For instance, one study we funded recently published results that could fundamentally change the

way we view ex-offenders and their potential for reintegration into society. In that study, researchers found that, if first-time arrestees remained “arrest-free” for 3 to 8 years, they were no more likely to be arrested in the future than individuals who had never been arrested. Statistically speaking, they had been “redeemed.” Think about what that could mean for ex-offenders in areas such as employment, housing, and loans. Perhaps just as important, think of what that means in our efforts to reduce crime and protect communities.

We look forward to working with Congress on reentry initiatives and continuing innovative, evidence-based approaches to reducing crime. Thank you for the opportunity to submit a statement for the record on this very important issue.