

Chapter 14. Reentry Programs and Initiatives

Introduction of the Issue

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

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 that begins on day one upon entering the institutions. 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 primary goal of jails and prisons has been the custody and care of its population. This orientation has shifted over the past 15 years to include focusing on reducing recidivism.

The Pennsylvania Department of Corrections’ mission is “to reduce criminal behavior by providing individualized treatment and education to inmates, resulting in successful community reintegration through accountability and positive change.”² 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.³ According to the Bureau of Justice Statistics (BJS), in 2016, just under 2.2 million people were incarcerated in jails or prisons nationwide.⁴ 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.⁵ 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.”⁶ 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

¹ *President’s Commission on Law Enforcement and the Administration of Justice: Hearing on 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>.

² “About Us,” Pennsylvania Department of Corrections, accessed June 16, 2020, <https://www.cor.pa.gov/About%20Us/Pages/CONTACT%20US%20-%20About%20Us.aspx>.

³ “Reentry Trends in the U.S.: Releases from State Prison,” Bureau of Justice Statistics, accessed June 16, 2020, <https://www.bjs.gov/content/reentry/releases.cfm>.

⁴ Danielle Kaebler and Mary Cowhig, *Correctional Populations in the United States, 2016* (Washington, DC: Bureau of Justice Statistics, 2018), <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6226>.

⁵ Mariel Alper, Matthew R. Durose, and Joshua Markman, *2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014)* (Washington, DC: Bureau of Justice Statistics, 2018), <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6266>.

⁶ Council of Economic Advisers, *CEA Report: Returns on Investments in Recidivism-Reducing Programs* (Washington, DC: Executive Office of the President of the U.S., 2018), 3, <https://www.whitehouse.gov/wp-content/uploads/2018/05/Returns-on-Investments-in-Recidivism-Reducing-Programs.pdf>.

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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 recidivism⁷

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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 a 35 percent decline in parole revocations to prison in Georgia from 2007 to 2016 and a 43 percent decline in people returning to prison from parole with new convictions in Michigan from 2006 to 2015.⁸

A 2017 report by the National Reentry Resource Center highlighted seven states (Arizona, Colorado, Georgia, Michigan, North Carolina, South Carolina, and Texas) that had experienced reductions in recidivism, providing examples of the strategies and programs undertaken to achieve these results.⁹ 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.¹⁰

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States can improve reentry outcomes and enhance public safety by adhering to evidence-based 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 toward reducing the recidivism rate.

Tony Lowden, Executive Director of the Federal Interagency Council on Crime Prevention and Improving Reentry (established by EO 13826) 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."¹¹

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, focusing on punishment as opposed to rehabilitation. In the 1970s, sociologist Robert Martinson conducted a research study into the failings of programs that were designed to rehabilitate jail and prison populations. He categorized his findings as the "nothing works" doctrine.¹² 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. According to Dr. Grant Duwe, Director of

⁷ Council of Economic Advisers, *CEA Report: Returns on Investments*, 3–4.

⁸ National Reentry Resource Center, *Reducing Recidivism: States Deliver Results* (Washington, DC: National Reentry Resource Center, 2017), 8–10, <https://nationalreentryresourcecenter.org/publications/reducing-recidivism-states-deliver-results-2017>.

⁹ National Reentry Resource Center, *Reducing Recidivism*.

¹⁰ Adam Gelb & Tracy Velazquez, "The Changing State of Recidivism: Fewer People Going Back to Prison," Pew Charitable Trusts, August 1, 2018, <https://www.pewtrusts.org/en/research-and-analysis/articles/2018/08/01/the-changing-state-of-recidivism-fewer-people-going-back-to-prison>.

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

¹² Robert Martinson, "What Works? Questions and Answers About Prison Reform," *The Public Interest* 35 (1974), https://www.nationalaffairs.com/public_interest/detail/what-works-questions-and-answers-about-prison-reform.

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Research for the Minnesota Department of Corrections, for reentry efforts to succeed, correctional cultures must continue the shift toward full reintegration of inmates back into society upon release.¹³

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. Eight major risk factors predict reoffending:¹⁴

- 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
- 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 Department of Justice (DOJ) report on assessments states that risk and needs assessment (RNA) instruments are "actuarial-based tools used to classify offenders into levels of risk (e.g., low, medium, and high) and to identify and target interventions to address offender needs (e.g., antisocial attitudes, antisocial peer groups) generally related to recidivism. A RNA does not indicate whether a particular offender will actually recidivate; rather it identifies the "risk" or probability that the offender will recidivate."¹⁵

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.

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

¹⁴ D.A. Andrews and James Bonta, "Rehabilitating Criminal Justice Policy and Practice: Psychology, Public Policy, and Law," *American Psychological Association* 16, no. 1 (2010), <https://psycnet.apa.org/record/2010-01480-002>.

¹⁵ Pamela M. Casey et al., *Offender Risk and Needs Assessment Instruments: A Primer for Courts* (Washington, DC: National Center for State Courts, 2014), https://www.ncsc.org/data/assets/pdf_file/0018/26226/bja-rna-final-report_combined-files-8-22-14.pdf.

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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, "Across the U.S., states are using risk assessment to inform decisions about the imprisonment of higher-risk offenders, the supervised release of lower-risk offenders, and the treatment of offenders in efforts to reduce risk."¹⁶ 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.¹⁷ 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 Council of State Governments Justice Center found that some instruments may perform better than others in predicting particular outcomes.¹⁸

In selecting a risk assessment tool, options include purchasing a commercially available tool, adopting and tweaking an existing tool, or developing a new tool.¹⁹ 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., 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.²⁰

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 the validity and appropriateness of the instrument 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 in predicting the likelihood of reoffending. Currently, the Bureau of Justice Assistance (BJA) maintains a clearinghouse on public safety risk assessments tools.²¹ 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.

[CROSS REFERENCE TO INTERSECTION OF CRIMINAL JUSTICE INTERSECTION]

14.1.1 Jails and prisons should implement and standardize current, validated risk and needs assessment tools to inform programming and increase public safety and positive reentry outcomes. These tools should be administered upon entry to correctional facilities and on a regular, reoccurring basis, including after life-changing events.

Correctional agencies use many different assessment tools, but agencies should use the most current assessment tool that follows people who were incarcerated as they enter and exit institutions regardless of if

¹⁶ John Monahan and Jennifer L. Skeem, "Risk Assessment in Criminal Sentencing," *Annual Review of Clinical Psychology* 12, no. 1 (2016), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2662082.

¹⁷ Pamela M. Casey et al., *Offender Risk and Needs*.

¹⁸ Sarah L. Desmarais and Jay P. Singh, *Risk Assessment Instruments Validated and Implemented in Correctional Settings in the United States* (New York: Council of State Governments Justice Center, 2013), <https://csgjusticecenter.org/wp-content/uploads/2020/02/Risk-Assessment-Instruments-Validated-and-Implemented-in-Correctional-Settings-in-the-United-States.pdf>.

¹⁹ Jesse Jannetta, *Selecting the Appropriate Risk Assessment Tool* (Washington, DC: Public Safety Risk Assessment Clearinghouse, 2017), <https://psrac.bja.ojp.gov/oipasset/Documents/PB-Selecting-RA-Tools.pdf>.

²⁰ Jannetta, *Selecting the Appropriate*, 2.

²¹ "Using Risk Assessment for Safer Communities," Public Safety Risk Assessment Clearinghouse, accessed June 18, 2020, <https://psrac.bja.ojp.gov>.

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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. Each generation of assessment tools aims 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 the accuracy of the risk level assignments and account for changes in the jail and prison population. While some corrections systems use the most current tool (e.g., Ohio, which uses the Ohio Risk Assessment System, and Georgia, which uses the Next Generation Assessment), the way systems implement these tools and use them to inform programming and practice varies widely.²²

Incarcerated individuals may experience significant changes both in a facility and when released. To account for this, corrections systems should conduct regular reassessments 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, while on community supervision to inform supervision level and program adjustments, and upon 30 days of the individual's release date.²³

Reassessment of risk within prison may not need to occur as frequently. For instance, the First Step Act (P.L. 115-391), enacted in 2018, 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."²⁴

In addition, corrections systems should administer assessments when a person experiences a significant event, such as a death, birth, marriage, divorce, or job change. This regular and flexible process allows criminal justice practitioners to proactively manage and plan reentry efforts for people who have been incarcerated.

Additionally, 60 days prior to release, Jails and prisons should administer reassessments for education, employment, substance use disorders, and mental health disorders 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 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.

14.1.2 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 should be trained to obtain more accurate assessment results. According to Anthony W. Flores, a researcher with California State University, programs should be based on the fundamental principles of risk, need, and responsivity and form the groundwork for effective intervention principles.²⁵ This includes having trained staff who relate to offenders positively. Correctional agencies should develop the capacity to deliver

²² "Ohio Risk Assessment System," Ohio Department of Rehabilitation and Corrections, accessed June 16, 2020, <https://drc.ohio.gov/oras:Assessment>, Georgia Department of Corrections, accessed June 16, 2020, <http://dcor.state.ga.us/Divisions/InmateServices/RiskReduction/Assessment>.

²³ Edward J. Latessa, "Triaging of Services for Individuals Returning from Prison," in *Rethinking Reentry*, ed. Brent Orrell (Washington, DC: American Enterprise Institute, 2020), 48, <https://www.aei.org/wp-content/uploads/2020/01/Rethinking-Reentry.pdf>.

²⁴ Office of the Attorney General, *The First Step Act of 2018: Risk and Needs Assessment System* (Washington, DC: U.S. Department of Justice, 2019), 5, https://nij.oip.gov/sites/g/files/xyckuh171/files/media/document/the-first-step-act-of-2018-risk-and-needs-assessment-system_1.pdf.

²⁵ Anthony W. Flores, et al, "Evidence of Professionalism or Quackery: Measuring Practitioner Awareness of Risk/Need Factors and Effective Treatment Strategies," *Federal Probation* 69, no. 2 (2005), https://www.uscourts.gov/sites/default/files/69_2_3_0.pdf.

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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.²⁶ Dr. Duwe attributes this to institutions that have become more like warehouses, where inmates do little until their release. He notes, "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."²⁷ In the correctional facility in Minnesota where Dr. Duwe conducted his research, everyone was in a program who should have been in a program was in a program. He states that if people who should be in programs are not, then officials should find a way to increase the programming availability. Jails and prisons should also not overcorrect and should be consistent with the risk-need-responsivity (RNR) principle, meaning program assignments and dosage should 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.²⁸ Dr. Duwe suggests that jail and prison environments should become "program rich" and allow the maximum possible number of the population to participate.²⁹

Current State of the Issue

The RNR principle is currently the best model to determine the appropriate programming needs for jail and prison populations.³⁰ 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 should determine how to identify the best evidence-based programs that have shown positive reentry outcomes. Second, they should determine how to deliver those programs as they were designed, with no alterations. Third, they should identify how to influence the population to participate in the program. If the prison and jail population have only 1–2 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 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

²⁶ Duwe, *President's Commission on Law*, April 23, 2020.

²⁷ Duwe, *President's Commission on Law*, April 23, 2020.

²⁸ Joel Alan Dvoskin et al., *Using Social Science to Reduce Violent Offending*, Abstract (Oxford, UK: Oxford University Press, 2012), https://www.researchgate.net/publication/286110439_Using_Social_Science_to_Reduce_Violent_Offending.

²⁹ Duwe, *President's Commission on Law*, April 23, 2020.

³⁰ D.A. Andrews, James Bonta, and J. Stephen Wormith, "The Risk-Need-Responsivity (RNR) Model: Does Adding the Good Lives Model Contribute to Effective Crime Prevention?," Abstract, *Criminal Justice and Behavior* 38, no. 7 (2011), <https://doi.org/10.1177/0093854811406356>.

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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 DOJ's Crime Solutions.gov and the Substance Abuse and Mental Health Services Administration's Evidence-Based Practices Resource Center.³¹ Jails and prisons should inventory current programs to identify those that are based on research or outcome data. At the same time, institutions should annually collect and analyze outcome data on programs that they already offer to ensure that the programs are producing positive outcomes.

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

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

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.³⁶ 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 any necessary changes. For example, the Kate Barnard Correctional Facility for Women in Oklahoma City, Oklahoma, effectively identified the educational needs of the population and increased the number of education completions to more than 1,000 in 2019.³⁷ 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.

³¹ "CrimeSolutions.Gov," National Institute of Justice, accessed June 16, 2020, <https://www.crimesolutions.gov>; and "Evidence-Based Practices Resource Center," Substance Abuse and Mental Health Services Administration, accessed July 6, 2020, <https://www.samhsa.gov/ebp-resource-center>.

³² Patrick Clark, "Preventing Future Crime with Cognitive Behavioral Therapy," *National Institute of Justice Journal*, no. 265 (2010), <https://nij.ojp.gov/topics/articles/preventing-future-crime-cognitive-behavioral-therapy#:~:text=Cognitive%20behavioral%20therapy%20reduces%20recidivism,make%20positive%20changes%20to%20them>.

³³ Nana Landenberger and Mark Lipsey, "The Positive Effects of Cognitive-Behavioral Programs for Offenders: A Meta-Analysis of Factors Associated with Effective Treatment," Abstract, *Journal of Experimental Criminology* 1, no. 4 (2005), <https://doi.org/10.1007/s11292-005-3541-7>.

³⁴ Pew-MacArthur Results First Initiative, *Iowa's Department of Corrections Takes an Innovative, Evidence-Based Approach* (Washington, DC: Pew Charitable Trusts, 2018), <https://www.pewtrusts.org/-/media/assets/2018/01/iowacasestudy.pdf>.

³⁵ Pew-MacArthur Results First Initiative, *Iowa's Department of Corrections*.

³⁶ Kimberly Gentry Sperber and Christopher T. Lowenkamp, "Dosage Is More than Just Counting Program Hours: The Importance of Role-Playing in Treatment Outcomes," *Journal of Offender Rehabilitation* 56, no. 7 (2017), <https://doi.org/10.1080/10509674.2017.1359222>.

³⁷ *President's Commission on Law Enforcement and the Administration of Justice: Hearing on Reentry* (April 28, 2020) (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>.

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The First Step Act requires the Federal Bureau of Prisons 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 possible, 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 programs³⁸

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14.2.3 Jails and prisons should develop incentives to increase participation in recidivism reduction programs. Jails and prisons 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 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.

It is not solely a lack of incentives that stops participation in programming. For some, the lack of space, time, and staffing create barriers 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 struggled to balance how to use technology (e.g., internet access, cell phones, and tablets) and not allow it to become contraband and misused by the population. Just as technology helps 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.³⁹ 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

³⁸ First Step Act of 2018, 18 U.S.C. §§ 3621–3632 (2018), <https://www.congress.gov/115/plaws/publ391/PLAW-115publ391.pdf>.

³⁹ “Re-Entry Program and Support Services,” Village Initiative, Inc., accessed June 16, 2020, <https://www.villageinitiativeinc.com/re-entry-program.html>.

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the user to link with service providers in the community. This device also helps promote personal responsibility, as persons incarcerated must identify the services they need.

Moreover, the COVID-19 pandemic demonstrates firsthand the critical role technology plays in the area of inmate programming. During this time, jails and prisons have been forced to place strict limitations on inmate movement and interaction, while also restricting vendors and volunteers from entering correctional facilities. These actions have disrupted and in some cases stopped face-to-face programming indefinitely; jails and prisons have had to transition to remote programming. Supporting wide-scale investments in technology will help jails and prisons prepare to maintain programs necessary for reentry.

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 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.⁴⁰ From 1980 to 2017, the number of incarcerated women increased by more than 750 percent.⁴¹ By addressing the needs of specific populations, prisons and jails can improve 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.⁴² 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 reducing recidivism. Addressing women's risk and needs allows criminal justice professionals to help these 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."⁴³ - Sheriff Peter J. Koutoujian

Launched in January of 2016, the Housing Unit for Military Veterans (HUMV) is the only correctional housing unit in Massachusetts reserved solely for veterans. According to Middlesex Sheriff's Office, "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."⁴⁴ A newly released National Institute of Corrections (NIC) document describes many types of jail and prison programming for military veterans.⁴⁵

⁴⁰ "Women and Gender," Prison Policy Initiative, accessed June 16, 2020, <https://www.prisonpolicy.org/women.html>.

⁴¹ "Fact Sheet: Incarcerated Women and Girls," The Sentencing Project, June 6, 2019, <https://www.sentencingproject.org/publications/incarcerated-women-and-girls/>.

⁴² Maureen Buell, Correctional Program Specialist, National Institute of Corrections, email communication with Reentry Working Group, May 5, 2020.

⁴³ Middlesex Sheriff's Office, *Housing Unit for Military Veterans (HUMV) White Paper* (Medford, MA: Middlesex Sheriff's Office, 2019).

⁴⁴ Middlesex Sheriff's Office, *Housing Unit for Military*.

⁴⁵ Deanne Benos and Greg Crawford, *Barracks Behind Bars: II: In Veteran-Specific Housing Units, Veterans Help Veterans Help Themselves* (Washington, DC: National Institute of Corrections, 2018), <https://s3.amazonaws.com/static.nicic.gov/Library/033092.pdf>.

14.2.5 Jails and prisons should use community service-based organizations and private businesses to provide programming that supports internal reentry programming and enhances 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 than others when identified programming needs begin in the institution and continue in the community.

When communities can deliver such activities, jails and prisons may save resources, funds, and staffing. In addition, the institutions 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 jails experience with 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 external community resources such as job training, working in collaboration with the individual to ensure their employment success upon reentry. This requires jails and prisons to assess which vocational skills are relevant and needed in the community job markets where their populations will return.

Girl Scouts Beyond Bars (GSBB) arranges mother-daughter meetings at the correctional facility twice a month, where they participate in a two-hour enhanced visit in the form of a Girl Scout troop meeting.⁴⁶ The program provides support and connection to incarcerated parents, caregivers, and guardians with community resources upon release.

14.2.6. Jails and prisons should build a case management system capable of tracking and sharing assessments, program referrals, program progress, and completions both internally and with external service providers.

The case management system lays the foundation for reentry planning and transition by ensuring inmates' needs are met while in the institution and upon release to the community. An intensive, community-linked case management approach within the facility results in positive treatment and recidivism outcomes. Jails and prisons should have dedicated staff responsible for case management; these staff should use an integrated plan based on validated assessment practices. Case managers are vital for sharing pertinent information about individuals' program and treatment needs and serving as their advocates.

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.
- All agencies that interact with the client (i.e., the jail, probation, and community-based service providers) use a single case plan, 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.⁴⁷

⁴⁶ "Girl Scouts Beyond Bars," Girl Scouts of Eastern Pennsylvania, accessed June 16, 2020, <https://www.gsep.org/en/give/girl-scouts-beyond-bars.html>.

⁴⁷ Kevin Warwick, Hannah Dodd, and S. Rebecca Neusteter, *Case Management Strategies for Successful Jail Reentry* (Washington, DC: National Institute of Corrections, 2017), <https://nicic.gov/case-management-strategies-successful-jail-reentry>.

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Shelby County, Alabama, administers a model of a case management approach focused on helping the individual while improving system outcomes. Shelby County shares case-management data with service provider partners to broaden the continuum of care for individuals with mental health disorders. The medical and mental health services provided at the Shelby County Jail tailor treatment using a case management approach, ensuring that individuals with medical or mental illness or substance use issues have access to necessary treatment while incarcerated. The county also provides them with information needed to connect to medical and mental health or substance use treatment upon release. Officials honor Health Insurance Portability and Accountability Act (HIPAA) regulations while simultaneously sharing data that will enable the best treatment and services.

14.2.7. Criminal justice system leaders, treatment providers, and service providers should use case management data to improve treatment and service practices, perform strategic planning, assess progress, and evaluate their own efforts.

Criminal justice leaders and treatment providers should work together to use case management data to improve treatment and service practices as well as system processes. Case management provides a tool to improve treatment and service practices across the population, create key performance measures, set short-term and long-term goals, and formally evaluate efforts. Case management data should also be used for strategic planning to assess goals and to forecast future services and costs, such as by identifying the current and forecasting the future number and type of incarcerated individuals to forecast jail and prison service needs. Including a research partner as part of the collaboration team provides a means to evaluate the processes and outcomes of treatment, new practices, and larger scale interventions.

Although this collaboration should comprise leaders from corrections, including community corrections, criminal justice system leaders from each point in the system and local government leadership would benefit from taking part. For instance, improved data collection and analysis will help identify and forecast the number of incarcerated individuals and those returning to the community who need different types of behavioral health and housing services, so that resources can be appropriately allocated. Including local law enforcement, prosecutors, and courts in the collaboration should help identify cross-system barriers to and facilitators of positive treatment outcomes in order to reduce recidivism.

Since May 2015, nearly 500 counties in 43 different states have teamed with local community-based resources as part of the Stepping-Up Initiative, a program to reduce the number of jailed individuals with mental health disorders. The program's success is a result of committed local leadership, proper identification of individuals in jail with mental health disorders, accurate data collection, examination of local justice and mental health systems' capacity to provide services, and the development and implementation of a comprehensive plan to reduce the number of these individuals in jails.⁴⁸

Individuals with a mental health disorder may also have a substance use disorder or experience housing instability; the initiative addresses these needs. These communities have increased education efforts and produced screening tools for first responders and jails, which have significantly increased the behavioral health and other assistance services they offer for justice-involved individuals.

Jails and prisons should share case management information with community supervision agencies 60 days prior to an individual's release so that community supervision agencies can use it 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 collaboration helps build the roadmap for what the person needs upon reentry.

In Georgia, the State Board of Pardons and Parole developed an assessment tool, the Next Generation

⁴⁸ "Stepping Up: A National Initiative to Reduce the Number of People with Mental Illnesses in Jails," The Stepping Up Initiative, accessed June 7, 2020, <https://stepuptogether.org/>.

Assessment (NGA).⁴⁹ This automated tool pulls data directly from 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.

14.3 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. For both those going directly back to the community or on supervision, 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 activities, such as obtaining loans or licenses.⁵⁰ BJS reports that 65 percent of state prisoners do not have a high school degree.⁵¹ In another report, high school dropouts are 47 more times likely to be incarcerated than peers with a four-year degree.⁵² 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 release and transitional planning is a proactive way to link people to the necessary community services. This will require coordination among various agencies.

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."⁵³ - The Sentencing Project

Jails and prisons should promote and advocate for offender transition and reentry services that begin when people enter the system and continue after release.

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.

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."⁵⁴ Each state should review its laws and regulations in collaboration with representatives from

⁴⁹ Georgia Department of Community Supervision, *The Georgia Prisoner Reentry Initiative: Recidivism Reduction Project* (Atlanta: Georgia Department of Community Supervision, n.d.), https://dcs.georgia.gov/sites/dcs.georgia.gov/files/related_files/site_page/2014%20Statewide%20Recidivism%20Reduction%20Program%20Narrative.pdf.

⁵⁰ "About the National Inventory of the Collateral Consequences of Conviction," Council of State Governments Justice Center, accessed June 16, 2020, <https://niccc.csgjusticecenter.org/about/>.

⁵¹ Caroline Wolf Harlow, *Education and Correctional Populations* (Washington, DC: Bureau of Justice Statistics, 2003), 1, <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=814>.

⁵² Caitlin Curley, "How Education Deficiency Drives Mass Incarceration," GenFKD, November 18, 2016, <http://www.genfkd.org/education-deficiency-drives-mass-incarceration>.

⁵³ Half in Ten, The Sentencing Project, and Community Legal Services, *Americans with Criminal Records* (Washington, DC: Half in Ten, 2015), <https://www.sentencingproject.org/wp-content/uploads/2015/11/Americans-with-Criminal-Records-Poverty-and-Opportunity-Profile.pdf>.

⁵⁴ "What are Collateral Consequences?," Council of State Governments Justice Center, accessed July 6, 2020, <https://niccc.csgjusticecenter.org/about/>.

corrections, courts, and community supervision agencies. By reviewing and eliminating such laws and regulations, states can remove unnecessary barriers to successful reintegration into community.

According to a 2019 U.S. Commission on Civil Rights report, once an individual has completed the court-imposed sentence, there are often additional consequences that result in a worsened punishment, overlaying the initial criminal conviction. While some of these consequences are valid because they involve public safety, many are either not connected to the crime that led to the conviction or they have no bearing on public safety. Further, attorney and courts—and even the general public—often do not know most everything about these consequences. Such a lack of knowledge or awareness undoes any possible deterrent effect that might have resulted from connecting these consequences to criminal convictions.⁵⁵

The 2019 commission report recommends, “Collateral consequences should be tailored to serve public safety. Policymakers should avoid punitive mandatory consequences that do not serve public safety, 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.”⁵⁶

Changes to legislation can improve an individual’s chances for reentering the community success Organizations 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.⁵⁷

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 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.⁵⁸

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

Government benefits often require people to have a birth certificate, driver’s license, and a social security card 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

⁵⁵ U.S. Commission on Civil Rights, *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities, Briefing Before the United States Commission on Civil Rights* (Washington, DC: U.S. Commission on Civil Rights, 2019), <https://www.usccr.gov/pubs/2019/06-13-Collateral-Consequences.pdf>.

⁵⁶ U.S. Commission on Civil Rights, *Collateral Consequences*.

⁵⁷ “Collateral Consequences of Conviction Act,” Uniform Law Commission, accessed July 9, 2020, <https://www.uniformlaws.org/committees/community-home/librarydocuments?communitykey=74d9914f-f15e-49aa-a5b0-f15f6e5f258a&tab=librarydocuments&LibraryFolderKey=&DefaultView=:>

⁵⁸ “State Reentry Council Collaborative,” North Carolina Department of Public Safety, accessed June 17, 2020, <https://www.ncdps.gov/our-organization/adult-correction/reentry-programs-and-services/state-reentry-council-collaborative>.

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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, "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."⁵⁹

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 it is often difficult for them to obtain employment that provides a living wage. An estimated 60 to 75 percent of persons previously incarcerated are still unemployed a year after release.⁶⁰ As they continue to seek meaningful employment, fees and fines unjustly burden people with debt.⁶¹

According to the National Conference of State Legislatures, "Policymakers are examining ways to strengthen protections and ensure defendant's financial circumstances into account. California enacted AB 1421 in 2019, which prohibits revoking supervision, and thus sending a defendant back to jail, for failure of a person to pay fines, fees or assessments, unless the court has determined the defendant has willfully refused to pay."⁶² 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 state, "Courts can ease or prevent the worst harms that excessive financial sanctions create for poor people."⁶³

14.3.5 The Department of Justice 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 Prison Policy Initiative, "formerly incarcerated people are almost 10 times more likely to be homeless than the general public."⁶⁴ Affordable housing and homelessness is a critical social problem for the larger community, which means people formerly incarcerated compete with the larger community for scarce resources. People who were formerly incarcerated should avoid homelessness or living in a high-crime neighborhood. Currently, 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.

⁵⁹ *President's Commission on Law Enforcement and the Administration of Justice: Hearing on 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>.

⁶⁰ Jared Meyer, "States Need to Give Ex-Cons a Fresh Start," *Forbes*, January 21, 2018, <https://www.forbes.com/sites/jaredmeyer/2018/01/21/states-need-to-give-ex-cons-a-fresh-start/#7b51cbcd2fad>.

⁶¹ Mathew Menendez, et al., *The Steep Costs of Criminal Justice Fees and Fines* (New York: The Brennan Center, 2019), <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>.

⁶² Anne Tiegen, *Assessing Fines and Fees in the Criminal Justice System* (Washington, DC: National Conference of State Legislatures, 2020), 3, <https://www.ncsl.org/research/collateral-consequences-policy-snapshots.aspx>.

⁶³ Sharon Brett, and Mitali Nagrecha, *Proportionate Financial Sanctions: Policy Prescriptions for Judicial Reform* (Cambridge, MA: Harvard Law School, 2019), iii, <http://cjpp.law.harvard.edu/publications/proportionate-financial-sanctions-policy-prescriptions-for-judicial-reform>.

⁶⁴ Lucius Couloute, "Nowhere to Go: Homelessness Among Formerly Incarcerated People," Prison Policy Initiative, August 2018, <https://www.prisonpolicy.org/reports/housing.html>.

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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 convictions and readmission to prison for new crimes. The assessment also found lower levels of parole revocations among participants.⁶⁵ In addition, the outcome evaluation of the housing program “showed that periods of homelessness significantly elevated the risk of recidivism for new convictions, revocations, and readmission to prison.”⁶⁶

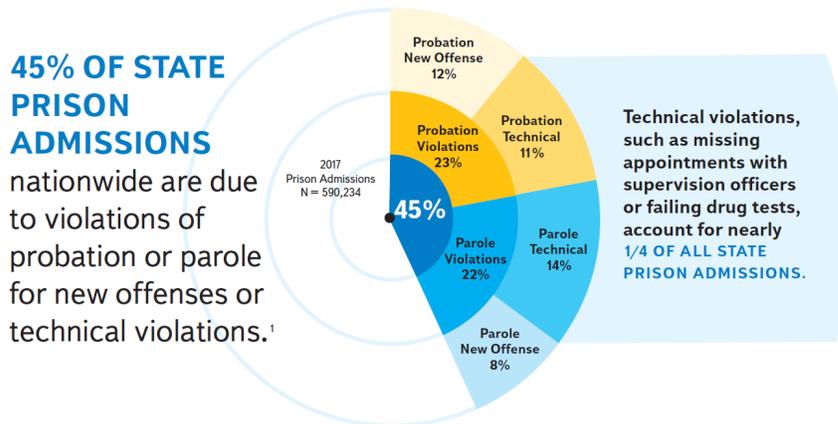
[CROSS-REFERENCE SOCIAL PROBLEMS]

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. BJS reports that at least 95 percent of all state prisoners will be released from prison at some point and that nearly 80 percent will be released onto parole supervision.⁶⁷ By the end of 2016, more than 4.5 million people—one in 55 adults—were on some type of community supervision.⁶⁸ 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.⁶⁹

The large number of people on community supervision and high caseloads have made it difficult for those agencies to implement proven recidivism reduction strategies. In some states, community supervision officers are responsible for monitoring and managing reentry needs of more than 100 people on supervision. Additionally, 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.⁷⁰



Source: “Confined and Costly; How Supervision Violations Are Filling Prisons and Burdening Budgets, Council of State Governments,” csgjusticecenter.org

⁶⁵ Faith E. Lutze, Jeffrey W. Rosky, and Zachary K. Hamilton, “Homelessness and Reentry: A Multisite Outcome Evaluation of Washington State’s Reentry Housing Program for High Risk Offenders,” *Criminal Justice and Behavior* 41, no. 4 (2014), <https://doi.org/10.1177/0093854813510164>.

⁶⁶ Lutze, Rosky, and Hamilton, “Homelessness and Reentry,” 471.

⁶⁷ Bureau of Justice Statistics, “Reentry Trends in the U.S.”

⁶⁸ Danielle Kaeble, *Probation and Parole in the United States, 2016* (Washington, DC: Bureau of Justice Statistics, 2018), <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6226>.

⁶⁹ Kaeble and Cowhig, *Correctional Populations*.

⁷⁰ “The Confined and Costly: How Supervision Violations Are Filling Prisons and Burdening Budgets,” The Council of State Governments Justice Center, June 18, 2019, <https://csgjusticecenter.org/publications/confined-costly/>.

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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.⁷¹

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.⁷² For 2016, the last year that data are available, the majority of people under correctional control (nearly 7 in 10) were supervised in the community (4,537,100), and only 3 in 10 (2,162,400) were incarcerated in prison or jail.⁷³ 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.

14.4.1 Community supervision agencies should develop case management plans that are tailored and sequenced to meet the criminogenic needs, and include engagement strategies that promote the protective factors of, people on supervision.

Parolees who receive sequenced services are significantly less likely to be rearrested or reconvicted for new crimes within 18 months of release.⁷⁴ 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 they are 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 immediately upon release, when it is most needed. Recidivists are most likely to commit their new offense within two years of release.⁷⁵ Therefore, community supervision agencies should 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."⁷⁶

⁷¹ Pew Charitable Trusts, *Policy Reforms Can Strengthen Community Supervision* (Washington, DC: Pew Charitable Trusts, 2020), <https://www.pewtrusts.org/en/research-and-analysis/reports/2020/04/policy-reforms-can-strengthen-community-supervision>.

⁷² Timothy Hughes and Doris James Wilson, "Reentry Trends in the United States: Inmates Returning to the Community After Serving Time in Prison," Bureau of Justice Statistics, last modified July 6, 2020, <https://www.bjs.gov/content/reentry/reentry.cfm>

⁷³ Kaebler and Cowhig, *Correctional Populations*.

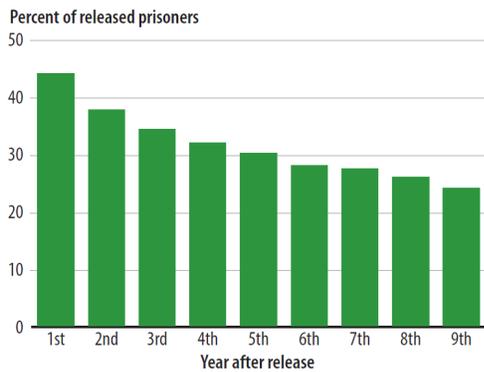
⁷⁴ Michael Ostermann and Jordan M. Hyatt, "When Frontloading Backfires: Exploring the Impact of Outsourcing Correctional Interventions on Mechanisms of Social Control," *Law & Social Inquiry* 43, no. 4 (2018), <https://doi.org/10.1111/lssi.12300>.

⁷⁵ Bill Keller, "Seven Things to Know About Repeat Offenders," The Marshall Project, March 10, 2016, <https://www.themarshallproject.org/2016/03/09/seven-things-to-know-about-repeat-offenders>.

⁷⁶ *President's Commission on Law Enforcement and the Administration of Justice: Hearing on Reentry* (April 23, 2020) (statement of John Hardy, Agent, Federal Bureau of Investigation), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

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Annual arrest percentage of prisoners released in 30 states in 2005



Note: The denominator for annual percent is 401,288 (total state prisoners released in 30 states in 2005). See table 5 for estimates and appendix table 7 standard errors.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014

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.⁷⁷ 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 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.⁷⁸

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

Many different case management models exist, and how they are implemented determines how successful the clients will be. Unfortunately, many agencies have difficulty implementing them. The quality of implementation can significantly have an impact on the effectiveness of an intervention.⁷⁹ Agencies should have training plans that ensure officers maintain uniformity when developing case plans with goals, making needed referrals, determining program progress, identifying incentives to ensure compliance, and changing the case management plan.

Community supervision agencies should also use coaches to help the officers implement the case management model. Coaching allows supervision officers to work staff experts who provides advice, support, and additional training.

14.4.3 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

⁷⁷ Ralph C. Serin, Nick Chadwick, and Caleb Lloyd, "Dynamic Risk and Protective Factors," *Psychology, Crime and Law* 22, no. 1-2 (2016), <https://doi.org/10.1080/1068316X.2015.1112013>.

⁷⁸ Sally Kremer, Director, 5th Judicial District, Iowa Department of Correctional Services, in discussion with Reentry Working Group during virtual site visit of the Judicial District Community Supervision, May 13, 2020.

⁷⁹ Melissa Alexander et al., "Coaching: The True Path to Proficiency, from an Officer's Perspective," *Federal Probation* 77, no. 2 (2013), <https://www.uscourts.gov/federal-probation-journal/2013/09/coaching-true-path-proficiency-officers-perspective>.

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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.⁸⁰ In this model, people are allowed to submit reports on employment status, living arrangements, and other important data to supervision officers via smartphones. This allows the supervision officers to focus their time and efforts on the high-risk people.

14.4.4 Community supervision agencies should collaborate with paroling authorities 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. Conditions should be individualized to manage the persons' unique risk factors and improve reentry outcomes.

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 a person on supervision can meaningfully meet to manage their 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. Increasing the number of conditions does not necessarily manage risk, and many states have eliminated some of these standard conditions.⁸¹

⁸⁰ American Probation and Parole Association, *Leveraging the Power of Smartphone Applications to Enhance Community Supervision* (Lombard, IL: American Probation and Parole Association, 2020), 6, <https://www.appa-net.org/eweb/docs/APPA/stances/ip-LPSAECS.pdf>.

⁸¹ "Probation and Parole: History, Goals, and Decision-Making, Research Assessing the Effectiveness of Community Corrections," Law Library - American Law and Legal Information, accessed June 17, 2020, <https://law.irank.org/pages/1822/Probation-Parole-History-Goals-Decision-Making-Research-assessing-effectiveness-community-corrections.html>.