

# A Model for Developing a Reentry Program

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**AN ABUNDANCE OF** material has been published during the past few years detailing with much anxiety the growing problem of prisoners re-entering society. Over the next several years, approximately 600,000 inmates are expected to be released annually from either a federal or state prison or jail. In some quarters it is estimated that, by the year 2010, inmate releases may approach 1.2 million per year, according to criminologist Joan Petersilia of the University of California at Irvine.

Clearly, at its present rate of growth the convict population of the United States will be a formidable force with considerable impact on our socio-economic and political life. If this sounds like a Stephen King thriller, consider that at present there are over 1.9 million adults being held in prisons or jails; it is estimated that 5 million Americans have served or are serving prison sentences; and over 4.5 million are under parole or probation supervision, with over 80 percent of those in the latter category. In just 20 years, the number of inmates being released has quadrupled. What the academics and practitioners have been preaching for years, that despite mandatory sentencing, sooner or later they all come out, is in fact a reality.

If society isn't ready to invest in resources to aid these returning convicts in positive change, the consequences may prove catastrophic. Why invest? Partly because the cost of administering justice has quintupled between 1982-1995, from 9 billion to 44 billion dollars, and partly because there has been no significant return on this expenditure. Why not then reallocate this money in the hope of a more promising return? This article pro-

poses some suggestions for an effective and productive reintegration of the offender into society while simultaneously providing for the safety of the community.

If the citizenry and its civic leaders are truly committed to easing the reentry of offenders into the community, while transforming them into productive individuals, thus reducing the risk that they pose to the tranquility of society, five essential things must occur. These include:

- A paradigm shift in the way that we look at corrections;
- The building of a complete and true criminal justice system;
- Coalition building—to include cooperation, collaboration, and partnering between all interested agencies and parties;
- Proactive community involvement through Restorative Justice programs;
- Objective evaluation of all programs in use or being proposed.

Some of these elements will be illustrated later on in this article when I describe a re-entry program presently being developed in Essex County, Massachusetts.

## Paradigm Shift

Political rhetoric aside, we need a widespread acceptance that prisons and jails seldom if ever change behavior. Being incarcerated in a most asocial environment does not socialize one. While acknowledging the need for prisons and jails, it is time to admit that they have a very limited purpose. Incarcerating individuals for the sole purpose of incapac-

tating them and preventing further criminal acts is not working. Rather, we must strive to more energetically direct our financial resources towards developing a network of more effective and efficient community correction centers (day reporting centers) and halfway houses, while simultaneously offering to judges a menu of various intermediate sanctions to be imposed in lieu of incarceration.

Tangential to the emphasis on community corrections and the use of intermediate sanctions is the need to revisit mandatory sentencing. Most research on this issue shows that the wrong people—i.e. the petty drug offender—are the ones who usually receive the harsher mandated sentence, while the more violent offender is often sentenced to less time. A recent study by the U. S. Dept. of Justice on *Offenders Returning to Federal Prison, 1986–1997*, reports that “as the length of time served in prison increased, so did the rate of return to prison.”

Additionally, we must examine our local policies on parole and probation violations. Of the 33,815 offenders who were returned to federal prison between 1986–1977, 60 percent had violated their conditions of supervision, and another 10 percent were returned for other violations, excluding a new arrest. All violations, whether for a new offense or of a technical nature such as not reporting, must be addressed, but we need to examine whether or not many of those violations might be better disposed of by imposing available intermediate sanctions. Violations should be tracked by type, and an assessment made as to the efficacy of the sanction imposed.

Research by Joan Petersilia and others shows that hard-core individuals prefer do-

ing time to any form of intensive community supervision, which they perceive to be too intrusive to their lifestyle. Also, for some gang members, incarceration provides a degree of safety from life on the street, while for others it mistakenly enhances their tough-guy reputation to have “done time.” Thus, judges and district attorneys have to be made aware that in many instances less is better, if we interpret that to mean that less time served with a substantial amount of post-release supervision is actually better than more time served—especially as it appears that offenders released to either probation and/or parole remain free longer than those inmates who have wrapped up their time.

Since so many offenders have issues around substance abuse, violence, educational and vocational deficiencies, mental health and mental retardation, and homelessness, the importance of community supervision and participation in community correction center programs following release becomes amplified.

Finally, within this paradigm must be the realization that just as there is no such thing as an ex-alcoholic or ex-addict, only an alcoholic or addict presently in recovery, so there is no such thing as an ex-convict. Rather, the released offender is a convict who is not committing any crimes at present. David Plotz, in an article entitled “Ex Con Nation,” reports that a national recidivism study conducted in the mid 1980s found that nearly two thirds of ex-inmates were rearrested on serious charges within three years of their release. A tracked group of 68,000 former inmates committed more than 300,000 felonies and misdemeanors in the same three-year period following release.

In-house educational and vocational programs alone will not reduce recidivism. The ex-offender most definitely needs to take one day at a time. While he or she needs to be supported by a system of safety nets, offenders must recognize that by strict definition they will always bear the stigma of convict and the ancillary discrimination that goes with it.

Many of the changes proposed by this paradigm shift may require the education of our governmental leaders and legislators. That requires our own involvement and leadership, whether we are practitioners; academics; service providers or just interested citizens. As a well-respected practitioner stated many years ago, “When irrational but well-meaning policies established by politicians fail, we in corrections become the scapegoat for failed policies that we had no input in designing.”

## Building a True Criminal Justice System

For too long, the criminal justice practitioners have failed to see the big picture. Instead of working within a total criminal justice universe, we have contented ourselves with simply functioning in our own independent mini-systems, whether community corrections, institutional corrections, law enforcement, the courts, etc. Yet, even within these mini-systems one often finds either a mere semblance of competition or total detachment. Federal, state, and local police departments often compete with one another either for taxpayer’s dollars or field intelligence. Occasionally, the competition takes on an intramural character, as when federal agencies like ATF, FBI, and DEA compete with one another or when county Sheriffs fail to coordinate activities with the city police departments within their jurisdiction. The court system is no exception, with prosecutors frequently blaming judges for being too lenient and the latter sometimes viewing the former as too vengeful. However, of late we have seen closer cooperation and collaboration between agencies. In many cities, parole and probation officers often make home visits together. There is more sharing of information between all agencies; and with this comes a more trustful climate.

Now we must move to the next plateau and engage in a full and open atmosphere of partnership, described by George Keiser of the National Institute of Corrections as two entities each bringing something of value to the table. A truly effective reentry program will require all the component disciplines to come together, to coalesce into a complete and effective system. Information on the offender needs to be gathered, gleaned, shared and stored.

Police departments and prosecutors must be willing to provide reports and offender information to the courts and the correctional institution to aid in both sentencing and inmate classification. In those instances where inmates are going to be released to some sort of supervision, whether parole or probation, the supervising officers should be meeting with the institutional staff prior to the release date. This not only lets the probation/parole officer ascertain the offender’s pattern of behavior while incarcerated, but gives him or her insight on programs the offender participated in and the level of participation. Thus, the supervising officer can have a treatment and rehabilitative plan in place prior to the offender’s release. This also gives the offender

the message that, “Oh no, my institutional caseworker is talking to my parole officer.” Offenders being released to supervision should be released at the local probation and/or parole office. This provides a degree of seamless supervision while cutting down on the risk of having the offender in the community with the same friends, in the same neighborhood, and in the same environment that he left when he was incarcerated. Jail staff has plenty of anecdotes of inmates upon release being picked up by their friends and buddies. As they drive off, the released offender can be seen lighting up a joint or opening a can of beer.

Local jurisdictions should explore the feasibility and practicality of establishing Re-Entry Courts in order to augment and enhance traditional intensive probation supervision. These courts, similar in scope and operation to drug courts, can serve to closely monitor the offender’s progress, thereby meeting the need for public safety and offender accountability, while providing oversight of the delivery of services required for the offender’s successful reintegration. Additionally, these courts can encourage the offender as he/she progresses through the system. The reentry court model, like the drug court, would provide judicial oversight of structured, community-based treatment; aid in identifying offenders for both treatment and referral immediately upon release; monitor compliance to court-mandated programs; and impose a hierarchy of sanctions for non-compliance.

Even when an offender is wrapping up or completing his full sentence, a representative of the police department in the locale where he is living might be assigned to visit him or her prior to release just to let the offender know that the police will be keeping close watch.

With such a close working relationship, every criminal justice agency is on the same page. Moreover, the offender is put on notice that he or she is under surveillance. For until recently, the streetwise offender was well aware that the left hand did not know what the right hand was doing. In addition, each agency went about their business independently gathering their own data. Many times an inmate would be classified as not being a drug addict or alcoholic because there was nothing on his criminal record to indicate this condition. However, the supervising probation or parole officer was well aware of the problem, but never informed the institutional staff. Under this suggested reform, that situation would change. The ex-

pectation is that the data gleaned and passed on at every entry point into the system will become useful information.

### **Coalition Building with Non-Criminal Justice Agencies**

This agenda item differs from the above in that it refers to those agencies outside of the criminal justice system, but that nevertheless are very important ancillary players. Plotz in "Ex Con Nation" tells us that more offenders than ever suffer from mental illness; this is especially true of female inmates. Moreover, most mentally ill inmates suffer from co-occurring substance abuse. A staggering 75 percent of female jail detainees were determined to have a substance abuse problem. Returning offenders are apt to be more dangerous than previously; many are homeless or will be returning to a non-supportive environment. Additionally, prisoners tend to have 5 to 10 times the national rates for HIV infections, tuberculosis, and Hepatitis C. The Urban Institute tells us that in 1997, one-fourth of all Americans with HIV/AIDS were released from prison or jail.

And high percentages of released offenders still lack educational and vocational skills and thus remain either unemployed or underemployed. A number of them are either mentally retarded or suffer from some type of learning disability or attention deficit disorder. Female offenders have specific needs centered on issues of child rearing, housing, domestic violence and sexual abuse. Among incarcerated females who report mental and/or emotional issues, some 73 percent reveal that they have experienced some form of physical or sexual abuse. Added to all of these is the stigmatization of being branded an ex-con.

Moreover, the exponential effect on children of incarcerated parents needs to be considered. In 1999, some 721,500 parents of minor children—those under 18 years of age—were confined in federal and state correctional institutions. Approximately 1.5 million minor children, from some 336,000 households, had at least one incarcerated parent, the majority of whom were either violent offenders or drug traffickers. There can be no doubt that this phenomenon has dire consequences for these young people. The need for adequate and effective social service intervention with these children and their families is essential to their well being.

For a reentry program to be successful, representatives from all the disciplines enumerated above must be brought to the table;

information about needy individuals must be shared; and a better understanding of each other's agencies and the universe in which they operate must be achieved. Criminal justice agencies can no longer be expected, nor should they presume, to be able to go it alone.

For example, Travis et al. report that returning offenders tend to gravitate to the same neighborhoods. He cites, for instance, an area in Brooklyn that comprises three percent of the block groups and nine percent of the population. Yet, in this relatively compact area are housed 26 percent of the parolees living in Brooklyn. This example illustrates a legitimate need to map where returning offenders take up residence, so that resources such as public health facilities, employment and job training agencies, as well as community policing teams can be concentrated. Criminal behavior will never be totally eliminated, but it certainly can be curtailed and recidivism drastically reduced when service agencies and CJ agencies join hands and work in conjunction with one another.

### **Restorative Justice Programs**

Since the peace of the community is disturbed whenever a criminal act is perpetrated—whether upon an individual or a group of victims—the community through its representatives should be active participants in the reentry or reintegration of the offender. The offender needs to be made aware of the physical and emotional hurt, as well as the financial loss sustained by the victim and/or the community. Even absent an individual victim, there is no such thing as a victimless crime. Rather, there is the collective victimization of society. All crime, even petty crime like prostitution, graffiti, and public disorder, numbs the sensibilities and squanders the financial resources of the community, while it erodes the social fabric.

A reentry program needs to incorporate within its framework a Restorative Justice Program that motivates the returning offender to accept the consequences of his actions and responsibility for the harm and damage that he has caused. One model that is suggested is Vermont's Offender Responsibility Plan (ORP). Originally developed as a partnering of that state's Department of Corrections and local law enforcement agencies, it has been expanded to include representatives of diverse agencies and the community. The ORP contains tasks to be achieved, both while the offender is incarcerated and upon his reentry.

The ORP, which should be developed by the offender with input from the victim, other affected parties, and also representatives from the local community at large, should address the needs of the victim; restore value to the community; motivate the offender to act pro-socially by making changes in their behavior; identify the harm done to the victim; and aid the offender's reentry into society with the support of family, neighbors, and the community at large. It is the offender who draws up the plan, thus making him the major stakeholder, and he must be held in compliance with it.

### **Program Evaluation**

Finally, all of the programs being used, both in the correctional facility and in the community, need to be objectively evaluated. Without such an assessment we run the risk of getting false-positive or false-negative results. An offender may fail because we are either referring the wrong person to a good program or a good candidate to the wrong program. Additionally, a program must not be judged simply on the number of people who complete the program requirements. A program that is too selective in whom it will accept guarantees for itself a higher number of successful participants. On the other hand, we must look with a degree of skepticism at programs that will accept anybody and everybody. For that reason output and outcome measurements must be in place. A program's success rate should be determined by the length of time an individual remains crime free; in essence program success should be proportional to the recidivism rate of the offenders it serves. Tools such as the Correctional Program Assessment Inventory (CPAI) and the CPAI Questionnaire developed by Paul Gendreau and Don Andrews are very helpful in assessing the particular strengths and weaknesses of program staff and services.

By its very nature, an objective evaluation must be performed strictly by individuals not affiliated with either the program being evaluated or the referring correctional agency. Also, measurement tools such as Pareto diagrams and histograms should be used to identify the services needed; to gauge the quality of the service being provided; and to determine what programs work.

### **A Model in Progress**

In Massachusetts there are 13 Houses of Correction or county jails, each administered by a county sheriff. Misdemeanants and some felons are sentenced to these facilities. Unlike

most states, where sentences to county jails do not run longer than one year, in the Bay State, offenders can be sentenced to a local facility for up to two and a half years, although the average stay is usually just under a year. As a result, in any given year, more offenders are released from jail than from prison. An additional consequence is that these offenders tend to recidivate more frequently. Thus, the need for post-release services and supervision through an effective re-entry program becomes acute. In Essex County, where at any given time approximately 25 percent of the inmates are recidivist, Sheriff Frank G. Cousins has begun to institute just such a program.

Responding originally to a rash of fatal heroin overdoses of epidemic-like proportion—in the City of Lynn, just north of Boston, more individuals died from heroin overdose in a five-year period than from homicide—the Sheriff's staff and local probation and parole staffs began a joint effort to improve upon an already fairly good working relationship. Since many of the individuals succumbing to heroin overdose were recently released from the county jail to either probation and/or parole supervision, developing an improved communication network was vital to both public safety and the successful reentry of the offender.

A majority of those incarcerated were sentenced as a result of either a probation revocation, a split sentence of incarceration and probation, or incarceration with an on and after probation imposed on a companion case. Thus, it was apparent that a wealth of information was already available in the local probation offices. A procedure was instituted whereby probation provides the jail with all pertinent information, such as in-take forms, police reports, court-ordered evaluations, and any probation risk and need assessments. Assigned probation officers meet with the jail's classification and treatment staffs shortly after an offender is incarcerated. They also meet with the offender to encourage participation in treatment and rehabilitative programs such as substance abuse, alternatives to violence, and adult basic education.

Prior to the offender's release, all parties again meet to evaluate the offender's participation in treatment/programs and to develop an aftercare strategy to go with the probation supervision plan. If the inmate is being re-

leased to parole supervision, the same process applies. On the day of release, the offender is delivered by the jail transportation staff to either the local parole or probation office, where the terms of supervision—which range from traditional supervision, to participation in either a residential treatment program, or a halfway house—are again reinforced and the offender actually set at liberty.

Additionally, under Chapter 211F of its General Laws, Massachusetts has established an Office of Community Corrections, with a mandate to set up community correction centers or day reporting centers in collaboration with the Sheriffs. In these facilities, offenders participate in substance abuse counseling; alternatives to violence; adult basic education; and life skills. They must also undergo regular drug testing and perform community restitution projects as part of their weekly regimen. High-risk individuals may also be required to submit to electronic monitoring. In Essex County, Sheriff Cousins has established three such centers, which play an important role in providing post-incarceration services and supervision in conjunction with probation and parole agents.

Before an inmate is released, the institutional and community correction staffs coordinate with representatives from the community correction centers, when appropriate, as well as with various public and private agencies in the area, to help provide the returning offender with a safety net of needed services. Liaison with local community-policing teams is also established to insure maximum surveillance of the offender's movements. Existing in-house programs are now being evaluated for effectiveness and efficiency, while new initiatives such as a partnering with a local community college to provide distant learning opportunities are being explored.

## Conclusion

The statistics provided in this article are not new. They have been replicated in other articles, monographs, and U.S. Department of Justice research papers. In the January 21, 2002 issue of *Time* magazine, an article entitled "Outside the Gates" by Amanda Ripley tells the moving story of 41-year-old Jean Sanders' re-entry into society after several stints in jail and prison. Sanders fits the prototype of the returning offender, no job, no

home, a distrustful family, and very little hope. What is intended here is to get the practitioner to view macroscopically the problems associated with offender reintegration. No longer should this process be seen as solely a criminal justice issue. That would be myopic to say the least.

If we are to provide for the orderly reentry of offenders into society, it is necessary to develop full partnerships with all of the correctional, police, and service agencies involved. Control and rehabilitation of offenders must be seen in the context of a societal problem. Root causes of criminal behavior need to be identified and eradicated. Programs that are shown to work need to be reinforced and expanded, while the poor ones are discarded and not allowed to drain our limited resources. Only then can we avoid the dire consequences of being an ex-con nation. We can hope that, by massing our resources and working in an environment of cooperation we can, to paraphrase the Greek poet, Aeschylus, "Tame the savageness of man, and make safe the world in which we live."

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