

# All Hands On Deck! Toward a Reentry-Centered Vision for Federal Probation<sup>1</sup>

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**OVER THE LAST** decade, U.S. Probation and Pretrial Services (USPPS) has made major strides in advancing the use of evidence-based practices (EBP) and adopting the Risk-Needs-Responsivity (RNR) model in community corrections.<sup>2</sup> However, officer engagement, and the application of these principles and model, do not commence until someone comes under the court's jurisdiction.<sup>3</sup> Of the 128,000 persons currently under federal

post-conviction supervision, 89 percent arrive after serving an often-lengthy term of incarceration within the federal Bureau of Prisons (BOP).<sup>4</sup> There is now growing consensus, based upon the empirical literature, that incarceration actually compounds criminogenic needs and increases the barriers that await those reentering their communities.<sup>5</sup> This reality makes any delay in the application of EBP seem even more problematic. As early as 18-24 months prior to release, BOP begins release planning to determine where an individual will return. For those transitioning home and on to a term of supervised release, USPPS officers serve as a fundamental support system. Most individuals release from prison with intentions to turn their lives

around and remain crime-free, but, confronted with longstanding, unaddressed risk factors and multiple barriers, some become frustrated and struggle to succeed.

In this article we consider the benefits of early and deeper officer engagement, and how we might enhance the reentry process in federal supervision. As USPPS begins to reassess its supervision procedures, there is also an opportunity to evaluate reentry procedures, particularly with the recent passage of the First Step Act (FSA).<sup>6</sup> In this article, we first discuss what we know about reentry, drawing from a recent summary of reentry research developed by the National Institute of Justice (NIJ). We then discuss the possibility of a reentry-centered vision within federal probation, and consider the holistic approach taken by one U.S. Probation Office, the Eastern District of Missouri (EDMO), within a modified NIJ framework. We close by presenting principles, based upon research as well as real-life examples, which might inform new national reentry procedures. Could earlier and deeper officer engagement improve rapport and build trust, and increase the likelihood of success? Can USPPS provide programs and

<sup>1</sup> Opinions or points of view expressed in this document are those of the authors and do not reflect the official position of the U.S. Department of Justice.

<sup>2</sup> Lowenkamp, C. (2013), Introduction to Federal Probation Special Focus on Implementing Evidence-Based practices, *Federal Probation*, 77(2); Lowenkamp, C., et al. (2016), Enhancing community supervision through the application of dynamic risk assessment, *Federal Probation*, 80(2); Cohen, T., et al. (2016), The supervision of low-risk offenders: How the low-risk policy has changed federal supervision practice without compromising community safety, *Federal Probation*, 80(1); Alexander, M., et al. (2014), Driving evidence-based supervision to the next level, *Federal Probation*, 78(3).

<sup>3</sup> Courts impose special conditions at the time of sentencing that are tailored to the risks and needs of the defendant. During the course of supervision, probation officers ensure that conditions, including rehabilitative interventions, are implemented.

<sup>4</sup> U.S. Probation Caseload Statistics, JNet. Table E-2.

<sup>5</sup> Petrich, D., et al. (2020), A revolving door? A meta-analysis of the impact of custodial sanctions on reoffending, working paper University of Cincinnati; Mears & Cochran (2018), Progressively tougher sanctioning and recidivism: Assessing the effects of different types of sanctions. *Journal of Research in Crime and Delinquency*, 55; Nieuwebeerta et al. (2009), Assessing the impact of first-time imprisonment on offenders' subsequent criminal career development: A matched sample comparison, *Journal of Quantitative Criminology*. 13.

<sup>6</sup> The FSA was enacted on December 21, 2018.

additional resources that systematically target known and broadly present reentry obstacles? Could such efforts potentially reduce rearrest and supervision failure among higher risk persons during the first few months of release?

## Reentry and Why It Matters

Long before the term was coined in the late 1990s, corrections agencies have engaged in reentry practices; however, it is only in the last few decades that the release and return of individuals from a term of incarceration to the community has received increased legislative and empirical attention. As an example, the federal government enacted two significant reentry reforms, the Serious and Violent Offender Reentry Initiative (SVORI) in 2002 and the Second Chance Act of 2007,<sup>7</sup> to address the challenges of reentry at the state, local, and federal levels. Since this time, the federal government has continued to fund a wide array of efforts aimed at improving reentry outcomes through empirical research. In fiscal year 2020 alone, the Department of Justice's Office of Justice Programs (OJP) supported more than \$92 million in grants designed to improve reentry outcomes and reduce recidivism among adults and youth returning to their communities.<sup>8</sup>

When individuals are released from a term of incarceration, they face numerous barriers to their successful reintegration into their communities. Concurrent with the passage of legislation at the federal and state levels to address these concerns, there has also been a surge in the empirical assessment of the effectiveness of various programs, services, and practices that aim to improve the reentry experience. The most common and widely used measure of effectiveness is whether an individual has recidivated within a certain time frame of release from custody.<sup>9</sup> While useful for practitioners and policy makers, on its own, recidivism does not account for the myriad of challenges faced by returning offenders. Reentry is a process and the conduits to successful reintegration require

<sup>7</sup> The Second Chance Act of 2007 was reauthorized in Title V of the First Step Act in December 2018.

<sup>8</sup> For more information, see <https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/reentryfactsheet.pdf>.

<sup>9</sup> The most common measures of recidivism include three events: an arrest, return to prison, or reconviction. Other key measures of reentry include housing, employment, substance use, improved physical and mental health, and reconnection with families, social networks, and communities, just to name a few.

additional empirical attention.

The post-prison experience is tenuous, especially in the first few months of release. Results from the multi-year, multi-site evaluation of SVORI found that offenders returning to the community are often high-risk and high-need, and the delivery and receipt of reentry services often decline after release. And there is often a disconnect between service need and service receipt. An analysis of the agreement between SVORI program directors' reports of pre-release service provision for those participating in the SVORI reentry programs and the program participants' reports of receipt of those services found that program directors, on average, reported providing services to larger percentages of program participants than the average percentage of participants reported receiving said service.<sup>10</sup> This finding speaks to the potential difficulty and variation in implementing reentry programs.

Further, individuals often reengage with the criminal justice system after returning to the community. As an example, a 9-year follow-up study of offenders released in 2005 found that approximately 68 percent of released prisoners were rearrested within three years.<sup>11</sup> Similarly, a five-year examination of trends from individuals placed on federal community supervision in 2005 found that 35 percent of offenders were arrested within 3 years and 43 percent were arrested within 5 years.<sup>12</sup> Recent rearrest rates for individuals on federal supervision are significantly lower, approximately 14 percent over that last 18 months. However, the highest risk "red band" cases were rearrested at approximately 32 percent during the same period, with 11 percent arrested for violent offenses.<sup>13</sup>

<sup>10</sup> Lattimore, P. K., Visher, C. A., & Steffey, D. M. (2011). Measuring gaps in reentry service delivery through program director and participant reports. *Justice Research and Policy*, 13(1), 77-100.

<sup>11</sup> Alper, M., Durose, M. R., & Markman, J. (2018). *2018 Update on prisoner recidivism: A 9-year follow-up period (2005-2014)*. Washington, D.C.: Bureau of Justice Statistics. See <https://www.bjs.gov/content/pub/pdf/18upr9yfup0514.pdf>.

<sup>12</sup> Markman, J. A., Rantala, R. R., & Tiedt, A. D. (2016). *Recidivism of offenders placed on federal community supervision in 2005: Patterns from 2005 to 2010*. Washington, D.C.: Bureau of Justice Statistics. <https://www.bjs.gov/content/pub/pdf/ropfcs05p0510.pdf>

<sup>13</sup> Communication with Dr. Christopher Lowenkamp, October 30, 2020. Markman, J. A., Rantala, R. R., & Tiedt, A. D. (2016). *Recidivism of offenders placed on federal community supervision in 2005: Patterns from 2005 to 2010*. Washington, D.C.: Bureau of Justice Statistics. <https://www.bjs.gov/content/pub/pdf/ropfcs05p0510.pdf>

There is no one-size-fits-all model for successful reentry. Given the large number of individuals releasing to the community each year, how should USPPS address this challenge? What works to reduce recidivism? And importantly, what works to enhance the reentry process?

## What Works in Reentry? An Overview by the National Institute of Justice

To concisely present key reentry findings to its stakeholders, NIJ conducted an extensive literature review, including an assessment of the federal government's significant reentry investments during recent years.<sup>14</sup> The summary asserts the process of reentry is a difficult one to traverse and that available reentry resources do not meet the needs of those returning from prison to the community. As noted, this population of individuals is high-risk and high-need and often presents with a diverse set of physical and mental health challenges. Addressing these challenges is key to their success. The key issues to addressing reentry are presented below:

### Relationships

- Family members often provide the greatest tangible and emotional support to those who reenter the community.<sup>15</sup>
- Former inmates who are married or have long-term relationships are less likely to recidivate or use drugs or alcohol compared to those in more casual relationships.<sup>16</sup>

### Health

- Many who return to their community report having chronic or infectious diseases, depression or other mental illnesses.<sup>17</sup>

[gov/content/pub/pdf/ropfcs05p0510.pdf](https://www.nij.gov/content/pub/pdf/ropfcs05p0510.pdf)

<sup>14</sup> NIJ reentry primer: <https://www.ncjrs.gov/pdffiles1/nij/251554.pdf>

<sup>15</sup> Naser, R. L., & Visher, C. A. (2006). Family members' experiences with incarceration and reentry. *Western Criminology Review*, 7(2), 20-31.

<sup>16</sup> Research Brief. (2009). *The impact of marital and relationship status on social outcomes for returning prisoners*. Washington, D.C.: U.S. Department of Health and Human Services. <https://aspe.hhs.gov/system/files/pdf/180146/rb.pdf>

<sup>17</sup> Visher, C. A., Lattimore, P. K., Barrick, K., & Tueller, S. (2017). Evaluating the long-term effects of prisoner reentry services on recidivism: What types of services matter? *Justice Quarterly*, 34(1), 136-165. Recently, with passage of the FSA and the CARES Act of 2020, there has been a marked increase in the number of inmates releasing with major medical problems.

- Access to health care within facilities varies greatly. And existing reentry-related health programs are insufficient in their ability to meet the physical and mental health needs of those men and women who return from prison.<sup>18</sup>

### Employment

- Many people returning from prison face significant employment barriers and deficits.<sup>19</sup> More than half have been previously fired from a job and many depended upon illegal income before incarceration.<sup>20</sup>
- Employment is an important starting point in the reentry process<sup>21</sup>; however, to date no causal link has been established between the impact of post-release employment programs on employment or rearrest.<sup>22</sup>
- Because the integration of reentry and employment services presents a challenge, successful integration requires a high level of coordination and collaboration between policymakers, practitioners, and service providers.<sup>23</sup>

### Education

- Approximately two-fifths of individuals entering prisons lack a high school diploma and many will return to the community with similar deficits.<sup>24</sup>

<sup>18</sup> Dumont, D. M., Brockmann, B., Dickman, S., Alexander, N., & Rich, J. (2012). Public health and the epidemic of incarceration. *Annual Review of Public Health*, 33, 325-339.

<sup>19</sup> Duwe, G. (2015). The benefits of keeping idle hands busy: An outcome evaluation of a prisoner reentry employment program. *Crime & Delinquency*, 61(4), 559-586.

<sup>20</sup> La Vigne, N. G., & Kachnowski, V. (2005). *Texas prisoners' reflections on returning home*. Washington, D.C.: Urban Institute. <https://www.urban.org/sites/default/files/publication/42901/311247-Texas-Prisoners-Reflections-on-Returning-Home.PDF>

<sup>21</sup> Bushway, S. D., & Apel, R. (2012). A signaling perspective on employment-based reentry programming. *Criminology & Public Policy*, 11(2), 21-50.

<sup>22</sup> Visher, C. A., Winterfield, L., & Coggeshall, M. B. (2005). Ex-offender employment programs and recidivism: A meta-analysis. *Journal of Experimental Criminology*, 1(3), 295-315.

<sup>23</sup> Bond, B. J. & Gittell, J. H. (2010). Cross-agency coordination of offender reentry: Testing collaboration outcomes. *Journal of Criminal Justice*, 38(2), 118-129. There is no national or even regional coordinated effort between BOP and USPPS to assure inmates that institutional based vocational training aligns with programming in the districts to which they are returning.

<sup>24</sup> Duwe, G. (2018). *The effectiveness of education and employment programming for prisoners*.

- Studies of the effects of in-prison education programs are mixed and many suffer from methodological shortcomings. However, prison-based educational programs participants who earned a high school degree had better employment rates upon release; nevertheless, this did not lead to reductions in recidivism. Earning a post-secondary degree, though, did result in both greater employment outcomes and recidivism reductions.<sup>25</sup>
- Prison education may increase the employability of offenders when they reenter society.<sup>26</sup>

### Housing

- Returning individuals face difficulties in finding stable housing due to individual challenges (mental health/substance use disorders) and systemic barriers (housing restrictions).
- The provision of housing assistance can have a positive effect on individuals.<sup>27</sup>
- More research is needed to understand how housing may serve as a platform for successful reentry.

### Substance Abuse

- Therapeutic communities and long-term residential treatment programs for substance abuse disorders have been shown to reduce recidivism.<sup>28</sup>

### Technology

- Technology is emerging as an important tool for reentry.
- Global Positional System (GPS) have been found to be effective in identifying parole violations for some offender types; for

Washington, D.C.: American Enterprise Institute. <https://files.eric.ed.gov/fulltext/ED585975.pdf>

<sup>25</sup> Duwe, G., & Clark, V. (2014). The effects of prison-based educational programming on recidivism and employment. *The Prison Journal*, 94(4), 454-478.

<sup>26</sup> Ibid.

<sup>27</sup> Wright, B. J., Zhang, S. W., Farabee, D., & Braatz, R. (2014). Prisoner reentry research from 2000 to 2010: Results of a narrative review. *Criminal Justice Review*, 39(1), 37-57.

<sup>28</sup> Swan, S., & Jennings, J. L. (2018). Reentry program combines therapeutic community, rehabilitation, work release and parole: Long term outcomes. *Journal of Forensic & Genetic Sciences*, 1(4), 1-9; Prendergast, M. L. (2009). Interventions to promote successful re-entry among drug-abusing parolees. *Addiction Science & Clinical Practice*, 5(1), 4-13.

example, high-risk sex offenders.<sup>29</sup>

This succinct list of findings will not surprise experienced community corrections professionals, but the summary provides focus and can assist in the identification and deployment of resources and programming, as well as the use of probation officer time. However, from an RNR perspective, missing from the summary is discussion of (1) the importance of individual risk assessment, and (2) the role of criminal thinking and criminal peers in recidivism. Indeed, these have been a primary focus for USPPS for the past 15 years.<sup>30</sup> Within the federal post-conviction supervision population, criminal thinking and criminal peers are the most predictive—and roughly equivalent in their predictive ability—of the identified risk factors. Moreover, criminal peers is the most prevalent.<sup>31</sup> To advance reentry procedures, and potentially frontload resources and interventions, a more holistic approach to reentry, including risk assessment, criminal thinking and criminal peers, needs to be part of the solution.

## U.S. Probation and Reentry

As noted earlier, 89 percent of those persons under post-conviction supervision in the federal system have served a term of confinement in prison.<sup>32</sup> This percentage has steadily increased over the past few decades as the risk profile of those reentering has also increased. BOP releases approximately 45,000 onto community supervision annually. For the first time in decades, the BOP's population has decreased, and now stands at 154,859, down from a high of 219,298 in 2013.<sup>33</sup>

As the only federal law enforcement authority not under control of the Department

<sup>29</sup> Gies, S. V., Gainey, R., Cohen, M. I., Healy, E., Yeide, M., Bekelman, A., & Bobnis, A. (2013). *Monitoring high-risk gang offenders with GP technology: An evaluation of the California Supervision Program*. Washington, D.C.: National Institute of Justice. <https://www.ncjrs.gov/pdffiles1/nij/grants/244164.pdf>

<sup>30</sup> Lowenkamp, C., et al. (2016); Robinson, C. et al. (2011), A random (almost) study of Staff Training Aimed at Reducing Re-Arrest (STARR): Reducing recidivism through intentional design, *Federal Probation*. Vol. 75, Number 2, 57-63.

<sup>31</sup> As of December 1, 2020, approximately 82 percent of persons under federal post-conviction supervision have criminal peers as a risk factor. DSS Report 1048. Email from AOUSC Senior Social Science Analyst Dr. Thomas Cohen.

<sup>32</sup> U.S. Probation Caseload Statistics, JNet. Table E-2.

<sup>33</sup> BOP website 10/22/2020.

of Justice, USPPS rests within the federal judiciary, which is highly decentralized. Each chief U.S. probation officer and their staff, totaling 7,874 nationwide, serve at the pleasure of the federal judges in each of the 94 judicial districts across the U.S.<sup>34</sup> In addition to community-based supervision, USPPS provides a diverse set of services including but not limited to substance abuse disorder and mental health treatment, cognitive behavioral therapy, sex offender treatment, location monitoring, and emergency and transitional services.<sup>35</sup> For a host of reasons, including being situated in different branches of government and having differing treatment philosophies,<sup>36</sup> BOP and USPPS have had difficulty providing a seamless continuity of care for those leaving prison and returning home.<sup>37</sup> Enactment of the FSA in December 2018, as well as the recent onset of the COVID-19 pandemic, have placed a greater strain on the continuum of care. While the FSA could lead to significant improvements to and expansion of inmate programming, and therefore improved inmate release preparation, full and effective implementation is not a foregone conclusion. USPPS needs to be innovative to help inmates take advantage of enhanced programming and additional prerelease credits established by the FSA.

During the past 15 years, USPPS has fully embraced the RNR model and made great progress adopting EBP. First, the Probation and Pretrial Services Office (PPSO) at the Administrative Office of the U.S. Courts (AOUSC) developed risk assessment tools for both pretrial defendants and those on post-conviction supervision that district staff have been trained in and use.<sup>38</sup> These instruments continue to evolve; a supplemental violence trailer was included in the PCRA in 2017. Second, the majority of USPPS post-conviction supervision officers received training in

the courts' version of core correctional practices and cognitive restructuring skills, known as Staff Training Aimed at Reducing Rearrest (STARR).<sup>39</sup> More recently, PPSO has piloted in several districts the use of the Criminogenic Needs and Violence Curriculum (CNVC), created in partnership with the University of Cincinnati. CNVC is a comprehensive curriculum for USPPS to use with persons under supervision. It includes self-study materials, as well as resources for family members and treatment providers.<sup>40</sup> Although refinements in EBP implementation continue, PPSO is fully committed to using the most rigorous research evidence available to improve supervision outcomes. National supervision policy has correspondingly evolved with these developments. The term "offender" has been replaced with "person under supervision" and the supervision officer is considered "the primary change agent" assisting those under supervision to achieve "lawful self-management."<sup>41</sup> As PPSO now works with the field in updating more granular procedural guidance, particular emphasis will be placed on the importance of the relationship between officers and those under supervision.

The variety of obstacles individuals released must begin to navigate as they leave prison underscores the need for officers to kick-start the reentry process as early as possible. Although case "activation" and engagement with inmates can begin 120 days prior to commencing their term of supervision,<sup>42</sup> in effect, officers start from scratch with persons as they return to the community. And sometimes early engagement is perfunctory. However, one major improvement to federal reentry came with statutory changes contained in the Second Chance Act of 2007.<sup>43</sup> These changes greatly expanded the breadth of services that USPPS officers could provide, if fully resourced, to those returning.<sup>44</sup> Yet

despite complicated jurisdictional issues, there remains a need for USPPS to focus on inmates prior to their leaving the BOP.<sup>45</sup>

Recent enactment of the FSA has brought renewed attention to federal reentry, particularly regarding BOP's responsibility to prepare inmates for release. The FSA's landmark provision required the BOP to establish a risk assessment system for all inmates that would be used to determine which evidence-based recidivism reduction programs<sup>46</sup> inmates should participate in as a way to reduce their level of recidivism risk. Once implemented, this process will allow a subset of inmates to earn credits that could be applied for additional prerelease time in the community.<sup>47</sup> FSA also established new programs that would increase the release of elderly and terminally ill inmates onto U.S. probation supervision.<sup>48</sup> Indirectly, however, the FSA assumes a greater level of inter-agency reentry collaboration and, effectively, raises expectations for USPPS reentry strategy.

Given current caseload demands, many post-conviction supervision officers struggle to prioritize releasing inmates until they are back in the community.<sup>49</sup> Officers conduct prerelease investigations as requests are received from BOP case managers, although often they arrive too far in advance.<sup>50</sup> Such

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services, including housing, job training, mentoring, CBT, child-care, non-emergency medical assistance, transportation, etc. Whetzel & McGrath, (2019), Ten years gone: Leveraging Second Chance Act 2.0 to improve outcomes, *Federal Probation*, 81(1).

<sup>45</sup> With the exception of inmates who are under the supervision of USPPS via an interagency agreement, the courts cannot pay for services for those who remain under the jurisdiction of the Attorney General.

<sup>46</sup> Under the First Step Act, an evidence-based recidivism reduction program (EBRR) is defined as "either a group or individual activity that has been shown by empirical evidence to reduce recidivism or is based on research indicating that it is likely to be effective in reducing recidivism" and "is designed to help prisoners succeed in their communities upon release from prison," First Step Act §3635(3).

<sup>47</sup> According to the United States Sentencing Commission, approximately a third of BOP inmates are precluded from earning credits toward prerelease due to their instant offense. *Ussc.gov. Updated January 2019 Impact Assessment – The First Step Act (S.756)*.

<sup>48</sup> Whetzel & Johnson, *ibid*.

<sup>49</sup> Many USPPS assign certain officers as reentry officers or reentry affairs specialists, often co-locating within the BOP-contracted RRC.

<sup>50</sup> PPSO data confirmed anecdotal reports that officers often conduct multiple home visits before

<sup>34</sup> Conversation with AOUSC Social Science Analyst David Cook, October 30, 2020.

<sup>35</sup> See [uscourts.gov](https://uscourts.gov) Probation and Pretrial Services – Supervision.

<sup>36</sup> BOP does not compel inmates to participate in rehabilitative programming, whereas treatment is often required once persons have come under the court's jurisdiction.

<sup>37</sup> Whetzel, J., & Johnson, S. (2019), To the greatest extent practicable: Confronting the implementation challenges of the First Step Act. *Federal Probation*. Volume 83, Number 3.

<sup>38</sup> Lowenkamp, C., et al. (2016); Lowenkamp, C., & Whetzel, J. (2009), The development of an actuarial risk assessment for U.S. Pretrial Services, *Federal Probation*, 73(2).

<sup>39</sup> Robinson, C., et al. (2011), *ibid*.

<sup>40</sup> PPSO is currently developing a long-range implementation plan for leveraging CNVC across the USPPS system. Conversation with Division Chief Scott VanBenschoten, December 1, 2020.

<sup>41</sup> *Guide to Judiciary Policy* Volume 8, Part E, Chapter 1, Section 150 (d), JNet.

<sup>42</sup> Each office's workload determines funding that is received the following year. Once a probation officer has met in person with an inmate, typically while he or she is in an RRC, the case can be statistically "opened" but no earlier than 120 days before the beginning of the term of supervised release.

<sup>43</sup> 18 U.S.C.3672 and 18 USC 3154.

<sup>44</sup> SCA's statutory changes enabled USPPS to provide a wide range of emergency and transitional

requests are straightforward, requiring an inspection of an inmate's proposed home, interviews with and investigations of other residents, and on some occasions, exploring proposed employment options. Officers are quite skilled in establishing rapport with the newly released, assessing risks, and identifying barriers, though often the scale of deficits and presenting challenges is not apparent until release, requiring reentry triage.<sup>51</sup>

It is now more commonly acknowledged that, not discounting any perceived benefits of incapacitation or just desert requirements, incarceration can be iatrogenic, that is, it can make people worse, exacerbating the drivers of illegal behavior that led to incarceration in the first place.<sup>52</sup> Moreover, it often creates new barriers for those who reenter. Also, it has long been recognized that the overwhelming majority of persons in prisons do indeed return. Coined by former NIJ Director Jeremy Travis, what has been referred to as the iron law of imprisonment states that "they all come home."<sup>53</sup> Taken together, these two premises tell us that the vast majority of those convicted of serious crimes in the federal criminal justice system will come under USPPS supervision and may likely be more dangerous and more encumbered than when they entered custody. This is a discouraging reality. To counter this, critics of the American criminal justice system, and its dependence on incarceration, have argued for a "reentry-centered vision of criminal justice."<sup>54</sup>

Reentry represents the most crucial component of the system of criminal justice given its intersection with the

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finding one that is appropriate.

<sup>51</sup> In cases when inmates choose to forego RRC placement, which BOP allows, or are considered too high risk and precluded by BOP, they release directly onto supervision with USPPS. Additionally, immigration authorities will sometimes remove detainees at the last moment, in which case BOP and USPPS are forced to hurriedly make release arrangements. Both situations are far from ideal.

<sup>52</sup> Nieuwebeerta et al. (2009). It is often seemingly lost on American correctional and community corrections professionals that the United States rate of incarceration dwarfs that of other Western developed nations.

<sup>53</sup> Travis, J. (2005). *But they all come back: Facing the challenges of prisoner reentry*. Washington, D.C.: Urban Institute Press. Travis, J., Visher, C. (Eds.) (2005). *Prisoner reentry and crime in America*. New York. Cambridge University Press.

<sup>54</sup> Pinard, M. (2007). A reentry-centered vision of criminal justice." *Federal Sentencing Reporter*, 20(2).

community. A reentry-centered vision redirects the focus of key actors across the system of criminal justice to the defendant's eventual return to the community. It does not in any way diminish the punishment that befalls individuals convicted of crime; rather, it brings into focus the range of punishments that will actually be imposed [including the collateral sanctions of a criminal conviction] and considers the effects of the punishment on the individual, his or her family, and his or her community. In calling for a different configuration among the system's players, a reentry centered vision of criminal justice seeks to embed front-end strategies and decision-making with a commitment to the individual's community reintegration.<sup>55</sup>

The federal system has not been spared criticism. "Without ... the adoption of a truly reentry centered vision of criminal justice, the federal criminal justice system will continue to deliver what it has delivered for the past thirty years: a glut of imprisonment that is inefficient, unsustainable, and, ultimately, criminogenic."<sup>56</sup> The federal criminal justice system comprises multiple criminal justice bureaucracies with different cultures and, at times, seemingly conflicting missions.<sup>57</sup> This landscape does not lend itself to a seamless continuity of care and undoubtedly reduces opportunities for those who seek to undo the harms they have caused and start over with a non-criminal lifestyle. The question then, as USPPS begins to reassess its reentry procedures, is what might reentry-centered supervision look like?

## Considering the Eastern District of Missouri (EDMO) Model

In recent years, many federal probation offices have increased engagement with BOP and staff BOP's contracted residential reentry centers (RRCs), including meeting with inmates within institutions to clarify expectations about supervision and assisting with mock job fairs.<sup>58</sup> While this engagement is

<sup>55</sup> Rhine, E., & Thomson, C. (2011). The reentry movement in corrections: Resiliency, fragility and prospects. *Criminal Law Bulletin*, 47(2).

<sup>56</sup> Olesen, J. (2014). A decoupled system: Federal criminal justice and the structural limits of transformation. *Justice System Journal*, 35(4).

<sup>57</sup> Ibid.

<sup>58</sup> In a survey sent to all 94 districts in 2012, 52 percent of responding districts reported they assist

not currently required by national policy, it reflects those offices' commitment to improving the reentry continuum and increasing the likelihood of post-release success. Physical proximity to federal institutions is also a factor. For years, the Eastern District of Missouri (EDMO) has stood out in their reentry efforts. Below we present the district's efforts in the context of an expanded version of what works in federal reentry.

### *In-Depth Early Assessment*

As mentioned, a comprehensive review of the "what works" reentry literature should not overlook the importance of assessment. Risk assessment is the cornerstone of the RNR model, and is ever evolving within USPPS. However, EDMO takes multiple extra steps to ensure that officers are fully informed in advance about those coming to supervision, particularly regarding sometimes under-explored responsivity factors.<sup>59</sup>

### **Vocational Assessments in Presentence Reports**

During all presentence interviews, officers in EDMO ask that defendants complete an occupational assessment, the results of which are added to the Presentence Report. This enables the court to make specific recommendations to BOP at sentencing regarding desired programming and institutional placement. Such details, particularly now given the FSA's emphasis on prison-based intervention, can be very helpful as BOP staff rely heavily of the presentence reports prepared by USPPS officers.<sup>60</sup>

### **SENTRY Investigation**

SENTRY is BOP's primary case management system and is accessible to USPPS. However,

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the BOP within their institutions in conducting mock job fairs for inmates. Also, 77 percent reported they had, in the last year, provided pre-release orientations or other assistance to inmates still within BOP institution. Seventy-four percent of respondents reported having dedicated staff working with inmates and case workers within the BOP-contracted RRCs. See Whetzel, J., et al (2014), Interagency collaboration along the reentry continuum, *Federal Probation*, 78(1).

<sup>59</sup> See Whetzel, J., & Cohen, T. (2014), The neglected "R": Responsivity and the federal offender, *Federal Probation*, 78(2). Some barriers, for example, child-support debt, may dramatically compound if efforts are not made prior to incarceration to have the order stayed.

<sup>60</sup> The courts' recommendations for programming are not binding upon BOP.

it is antiquated, having been created in 1981.<sup>61</sup> USPPS officers find it difficult to use, and many rely instead on the Offender Release Report (ORR),<sup>62</sup> which pulls certain data elements from SENTRY. The ORR, however, does not consistently include complete and accurate inmate data. Certain EDMO employees, some formally BOP staff, have expert knowledge of SENTRY and comprehensively gather data during the prerelease process, running nine distinct inquiries on each inmate. These inform the assigned officer's prerelease investigation and case planning.<sup>63</sup> They also run inmate rosters of all those who are returning to EDMO, which they use to determine who has completed vocational training, certifications, and UNICOR jobs; who are veterans, etc. These data then help coordinate employment linkages upon their return to the community. Screening is also conducted to see which inmates have a disability that will qualify them for Medicare/Medicaid.

**Prerelease Request Form**

For years, EDMO officers provided prerelease services to inmates in two federal prisons in the district, such as assisting with job fairs, supervision, and orientations. However, given that federal inmates are housed throughout the country, EDMO was unable to serve 75 percent of those returning to the district. To address this gap, EDMO developed a Pre-Release Request Form questionnaire that is emailed to every inmate releasing to that district. The questionnaire aims to identify specific training and education needs to better

<sup>61</sup> Privacy Impact Assessment for the SENTRY Inmate Management system, July 2, 2010. SENTRY comprises approximately 700 program routines written in COBOL, which is used to process data to a database management system.

<sup>62</sup> The ORR, originally known as the Red Flag Report, was created in 2009 in order to better ensure that USPPS was notified of all BOP inmates when they released to assure that supervision was put in place.

<sup>63</sup> pp37 (ARS) - Inmate History, lists the inmates facility assignments.

pp37 (DRG) - Inmate History, lists the inmates substance abuse treatment assignments.

pp41 - Inmate Load Data, lists inmate pedigree information.

pp44 - Inmate Profile, a summary of an inmate's current status.

pida - Financial Responsibility Program status, summary of financial obligations and payments.

peed - Education records.

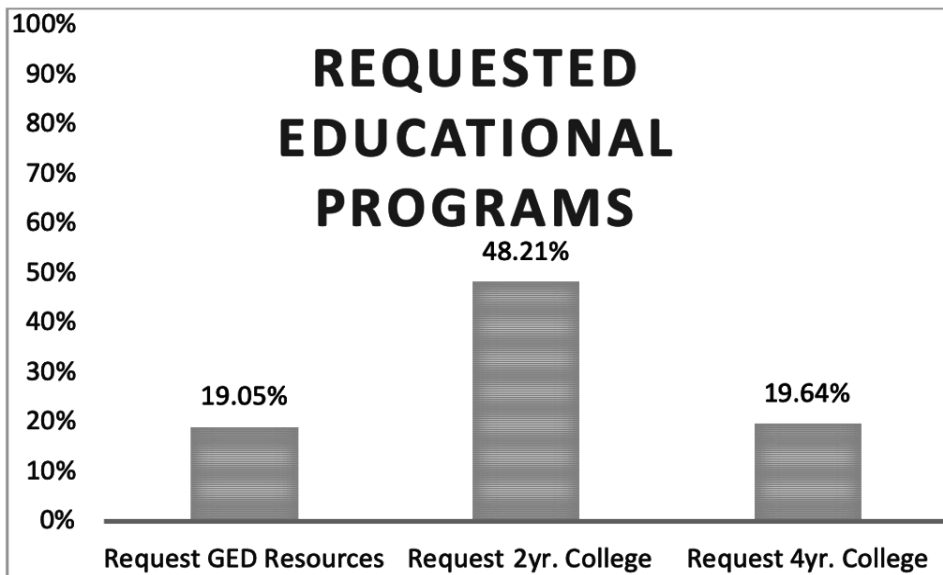
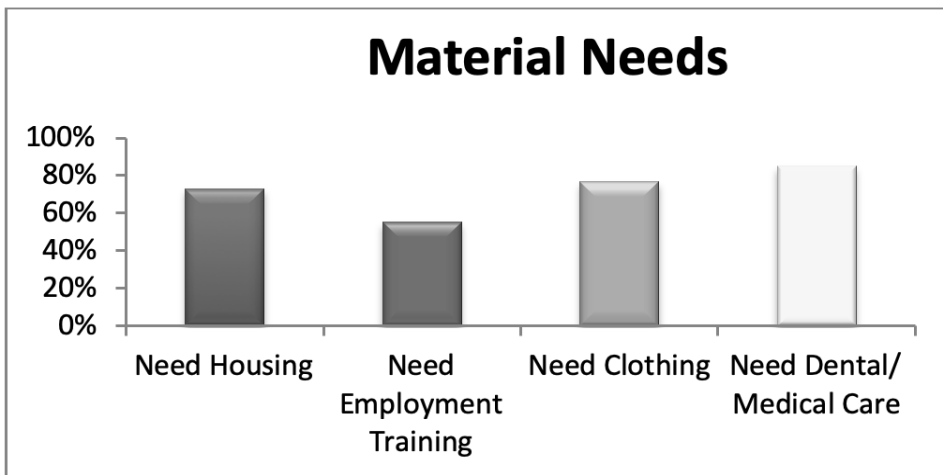
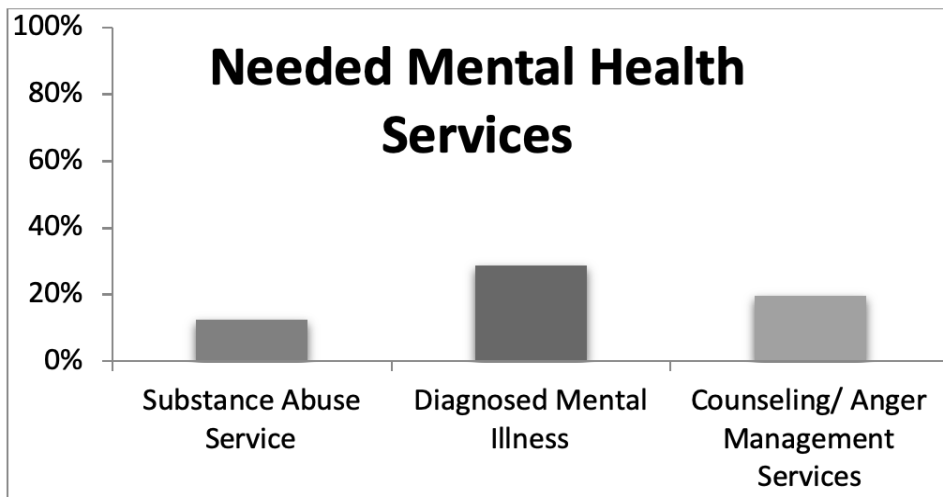
pscd - Sentencing monitoring computation, which contains the calculations on all BOP sentences.

pd15 - Chronological disciplinary record.

PP85 - DNA.

prepare inmates for the workforce; their barriers and strengths; and the basic needs they need addressed (i.e., food, clothing, and housing). Using this information, officers mail the inmates resources specific to their needs and requests. See below aggregate inmate survey results from the questionnaires collected by EDMO staff:

These charts demonstrate that inmates anticipate significant needs upon their release. The second chart is particularly troubling, revealing the majority of inmates are concerned about being able to meet their own basic needs. The third suggests a strong desire among many respondents to advance their education, particularly for post-secondary



programs. The use of the Pre-Release Request Form provides officers clear insight into what the inmates perceive as the greatest barriers that await them upon release. Gained two years in advance of their release, this enables EDMO to plan future programming. The use of the Prerelease Resource Request Form prompted EDMO to expand their reentry services and provide inmates with viable resources to plan for release.

### Future Directions in Early Assessment

EDMO has recently entered into a memorandum with the consulting firm Deloitte to use artificial intelligence and natural language processing to “read” presentence reports. The algorithms will be used to pre-score much of the Post-Conviction Risk Assessment (PCRA) that is the basis of all post-conviction supervision.<sup>64</sup> It also could create an opportunity to inform officers’ recommendations in Presentence Reports, particularly regarding special conditions.<sup>65</sup>

### *Criminal Thinking, Criminal Peers*

Thorough risk and needs assessments are critical to reentry success. Once criminogenic needs are identified, appropriate interventions with adequate dosage and duration are essential. In the federal post-conviction supervision, criminal thinking and criminal peers are the biggest obstacles to “lawful self-management.”<sup>66</sup> The EDMO has taken steps to address both.

### Manualized Cognitive Therapy in BOP

Many U.S. probation offices provide some “in-reach” to inmates within BOP institutions. In EDMO, officers wanted to go beyond conducting a seminar on the conditions of supervision and mock job fairs. In 2016, several officers began conducting Moral Reconciliation Therapy (MRT) groups at BOP’s FCI Greenville facility. Aimed at addressing inmates’ criminogenic thinking prior to release and to assist them with developing sound goals and

<sup>64</sup> Alexander, M., et al. (2014).

<sup>65</sup> This exploratory study complements EDMO’s current process that notifies participating districts when events have occurred, as noted in PACTS, that warrant the officer to reexamine the PCRA score, e.g., a loss/gain of employment, a positive drug test. Currently half of all districts receive these notices from EDMO.

<sup>66</sup> *Guide to Judiciary Policy* (ibid.).

<sup>67</sup> See Ferguson, L. M., and Wormith, J. S. (2013), A meta-analysis of Moral Reconciliation Therapy, *International Journal of Offender Therapy and Comparative Criminology*, 57 (9).

direction, the 12-step MRT module took a minimum of 3 months for the entire group to complete. EDMO officers later used Thinking for Good, another manualized cognitive program published by the same company, a shorter 10-week model that allows disrupted sessions. The primary objective of conducting cognitive groups in these institutions was not simply to reduce recidivism, but to develop a collaborative relationship with the inmates and to demystify supervision. As a result of working with these inmates in the cognitive group setting, officers were able to identify issues that could potentially impact or hamper their successful supervision, and in some instances officers who facilitated the group requested particular inmates be referred to their caseload because the officer felt more suited to address the inmates’ needs. The EDMO officers have now expanded the program to United States Penitentiary, Marion.<sup>68</sup> Those under supervision in EDMO have expressed their appreciation for the officer bringing programming into the institution. For example:

I could not possibly neglect the most important things that would help me address and change my criminal thinking and behavior. Thanks to one of the programs that was brought inside of the prison, I was able to have the professional assistance in making improvements. One of these programs was called “Life Map Cognitive Skills Program.” The course book consisted of mapping your life from birth to the current. There was a lot of writing and self-revelation involved. The only way that you could truly benefit from this program was to be completely honest and have a strong desire for change in your personal life.

### Gang Reentry Initiative Program

Reengaging with criminal gangs virtually ensures reentry failure. Often those releasing to the community continue criminal associations as they have strengthened these ties for protection while incarcerated. Gang-involved subjects have great difficulty in developing new, positive associations in the community as they lack social, educational, and vocational skills necessary to successfully reintegrate into society. In 2010, the EDMO established the Gang

<sup>68</sup> Some CBT is available through the BOP in some institutions but it is limited. CBT is not part of the BOP Statement of Work for RRCs.

Re-Entry Initiative Program (GRIP) to help address this challenge.<sup>69</sup> This specialty court<sup>70</sup> connects individuals with resources, training, and support that will improve their social, educational, and vocational abilities, offering positive support and a platform to succeed. As of today, Project G.R.I.P. remains the only federal gang court in the federal system.<sup>71</sup>

### Families

As noted by NIJ, solid prosocial family support is critical to successful reentry, and there is significant empirical support that family visitation is helpful in maintaining ties and increasing probability of post-release success.<sup>72</sup> EDMO officers have taken steps to bolster family connections.

### Family Video Conferencing

Recognizing the importance of healthy family ties, EDMO officers search for a way to help inmates, many housed hundreds of miles away from home, to reengage with their loved ones. Because federal inmates are located throughout the U.S., the average cost to a federal inmate’s family to visit them is insurmountable. EDMO began coordinating family video conference visits for EDMO inmates in various facilities from Kansas to Texas to be granted two family video visits a year.<sup>73</sup> Before the family video conference, inmates would receive information on community agencies, EDMO programs, Second Chance funded trainings, child support

<sup>69</sup> When EDMO analyzed its revocation data from 2004 through 2008, they found there were over 305 African American males revoked, and 155 of those were gang-involved individuals, mostly engaged in new criminal conduct.

<sup>70</sup> GRIP is just one of several specialized judge-involved supervision programs that focus on subsets of the supervision population with unique challenges. These include Mental Health Court and a Veterans Court.

<sup>71</sup> In 2018, the Project G.R.I.P. team was selected to receive the Frederic Milton Thrasher Award, established by the Journal of Gang Research, for “superior accomplishments in gang intervention.” Project GRIP has not, however, been subject to a rigorous evaluation to date.

<sup>72</sup> See, The effects of prison visitation on offender recidivism; Minnesota Department of Corrections National Institute of Corrections, Accession Number 026127.

<sup>73</sup> The criminal justice system’s response to the COVID-19 pandemic has accelerated the use, and even the perceived legitimacy of, virtual technologies. Virtual interactions between officers and inmates could jump start the establishment of the “therapeutic alliance.” Trotter, C., *The involuntary client* (2006).

obligations, and veterans benefits. Surveys of participating inmates and family members after the video-conferencing suggested all benefitted from the program.<sup>74</sup>

### Family Day

In 2014, EDMO officers piloted a family day event with FCI Greenville. EDMO secured sponsorship for food and transportation to the facility and recruited community partners to assist with programming at the facility. Over 20 inmates have received visits from their children and significant others. Since 2014, officers have conducted an overnight family visit with daughters and their incarcerated mothers at FPC Greenville and coordinate an annual two-day trip to USP Leavenworth. All expenses to USP Leavenworth are paid through sponsorship from the faith-based community for the hotel stay, charter bus, food, and snacks. Families incur no expense for the trip. To date, only one program participant has been revoked and received a new felony arrest since we began the in-person family visit program. Those on supervision who participated in this EDMO effort describe the impact below:

As a participant of this program, the opportunity presented, assisted in relieving the stress experienced by separation of family due to incarceration. It was mainly for the children who are often the victims of a mother or father separated by incarceration. This program should always be a part of the prison experience and serve as the bridge that re-unites families.

### The Family Program

For over 10 years, EDMO officers have run a Family Program for the children of those under their supervision, as well as those still incarcerated. The program features a Back-to-School drive which provides backpacks, notebooks, and pencils that are supplied by a local religious organization. The Family

<sup>74</sup> The survey found the following: 82 percent of inmates and 93 percent of family members either agreed to or strongly agreed that the program helped them keep a good relationship between those incarcerated and family member on the outside; 45 percent of inmates and 27 percent of family members stated they had not met with each other in over 2 years; and 82 percent of inmates and 92 percent of family members said that because of the program they would be more likely to have a good, open relationship with the assigned probation officer.

Program also assists supervision clients who have college-age students with dorm essentials, laptops, book fees, and study abroad scholarships. Every December, there is an annual drive-through toy drive to ensure that the children of those on supervision receive gifts during the holidays. These efforts all aim to help reduce the stress facing those on supervision so they might focus on succeeding.

### Health

As noted above by NIJ, there has been growing awareness of the health problems facing those returning from prison. According to the Transitions Clinical network:

The health risks of returning to the community include higher rates of deaths, hospitalizations, and worsening of chronic conditions. Incarcerated people have higher rates of chronic health conditions, including infectious disease like (HIV, hepatitis C), non-communicable diseases like hypertension and asthma, and mental health and substance abuse use disorders. Individuals face serious barriers caring for themselves upon release, such as poor health literacy, limited access to housing and employment, and difficulties continuing their medications and accessing health insurance and primary care.<sup>75</sup>

In a recent comparison to other developed nations, the United States ranked 15th in the quality of its healthcare systems.<sup>76</sup> Regrettably, this unenviable position has been highlighted by the disproportionate impact of COVID-19 on the United States, particularly on communities of color, compared to many other countries. The recent COVID-19 pandemic, coming on the heels of FSA enactment, has prompted the early release of terminally ill, elderly, and medically vulnerable inmates,<sup>77</sup> revealing a frayed, under-resourced health care system where those with a history of criminal justice system involvement are unlikely to be the first offered assistance.<sup>78</sup>

<sup>75</sup> Transitions Clinical Network, [Transitionsclinic.org](http://Transitionsclinic.org)

<sup>76</sup> *U.S. News and World Report*, 10/13/20.

<sup>77</sup> See Whetzel et al., FSA, COVID-19, and the future of location monitoring, *Federal Probation*, forthcoming.

<sup>78</sup> Increasingly, social workers who manage the release of sick and elderly inmates are finding that nursing homes and similar facilities are

The federal judiciary, including USPPS, does not bear the responsibility for ensuring medical coverage for those releasing from federal prison onto community supervision yet often confronts these challenges.

### Inter-Agency Agreements

In the EDMO, the U.S. Probation Office strives to improve the healthcare dimension of the reentry continuum first by assisting those under supervision to navigate the federal benefit application process. For those reentering, the EDMO has entered into a Memorandum of Understanding (MOU) with the Missouri Department of Social Services. Approximately one-third of inmates have underlying conditions related to mental health, physical disabilities, etc. This MOU enables EDMO-bound inmates in institutions around the country to apply for Medicaid prior to release, ensuring continuity of medical services for those reentering, although the process remains complex.<sup>79</sup>

### Specialized Staff

The EDMO has experienced staff who specialize in assisting EDMO-bound inmates to access warranted services. As described earlier, some staff specialize in gathering inmate data from SENTRY, such as finding inmates with qualifying disabilities. Others, in turn, engage directly with inmates sending information on the Medicare/Medicaid and SSI/SSDI programs.

The EDMO has a total staff of 123, of

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inquiring if a patient has a history of criminal justice involvement.

<sup>79</sup> Upon inmates' release into the community, officers identify those who have a disability and refer them to a community resource specialist to register them for SSI/SSDI and Medicare/Medicaid. An application is done online for them for SSDI and Medicare first to see if they qualify for them based on work credits. If they qualify based on their work credits, they will potentially receive their benefits of SSDI and Medicaid within 30 days of applying pending verification of their disability. If they lack enough work credits, the system automatically transfers their application to the SSI and Medicaid programs. The approval or rejection process takes 30 days pending verification of their disability and whether the Social Security Administration deems them to have a disability. If the application is denied for SSDI or SSI and Medicare/Medicaid, they are provided with contact information for legal services that specialize in Social Security cases. When applying for SSI/SSDI online, the system also applies applicants for their medical coverage. If the clients cannot get Medicare/Medicaid, they pursue coverage under the Affordable Care Act if they have some verifiable means of income.



whom 90 are sworn law enforcement officers. However, 14 staff have a master's degree in social work (seven are Licensed Clinical Social Workers) and four others have master's degrees in counseling. The office has deliberately hired staff with the training, skill sets, and professional orientation needed to address the needs of those reentering the community. In addition to specialized staff, EDMO has what might be called a "two-hat" culture, where officers perform their core responsibilities, but are also encouraged to identify resources and establish programs if they come upon previously unaddressed, unique issues among those under supervision.

### Second Chance Act Authority

Probation officers in the EDMO, and in many other districts, take advantage of authority granted under the SCA to help those under supervision with non-emergency medical assistance. Meant to meet pressing humanitarian needs and overcome barriers, non-emergency medical assistance has been used in EDMO to address a variety of problems:

In one instance, a participant in our mental health court was working at a fast-food restaurant when his hearing aids went out. Without SCA funding, the participant would have suffered both professional and personal consequences as he would not have been able to work. In another example, an individual with a physical difficulty secured employment at an office but could not work due to the battery of her wheelchair malfunctioning. We were able to use SCA funds to provide her with a new battery and allow her to continue working without delay.<sup>80</sup>

### Ongoing Research

Assistance as described above makes a world of difference in individual lives. However, these are stop-gap measures that fail to address the totality of reentry health care needs. To further explore this growing problem, the EDMO has recently joined with the Transitional Clinical Network and the Washington University School of Medicine. The study's primary focus is "to describe the unique health outcomes of those released during COVID-19 pandemic and compare them to health outcomes of individuals released prior to COVID-19." Noting

the impact of FSA and COVID-19 on releasing more medically vulnerable inmates, the research proposal states that

While the release of these individuals has been welcomed by community advocates and correctional systems alike, the health risks have been unexamined. Already, these obstacles are compounded by transitions of health-care, which challenge the federal correctional system where there is little communication between correctional and community health systems....We anticipate that our findings will inform release procedures at the BOP level and will provide local Federal Probation offices with data that will guide their work in addressing the health needs of people being released from federal prison, and especially now during COVID-19.<sup>81</sup>

### Employment

The Eastern District of Missouri has long promoted the importance of employment within the USPPS system. For many years, the EDMO, in coordination with the National Institute of Corrections (NIC), trained U.S. probation officers in NIC's Defendant/Offender Workforce Development (D/OWD) and hosted annual D/OWD conferences.<sup>82</sup> To a certain extent in the federal system, addressing employment deficits has received less attention, given the salience of criminal thinking and criminal peers. However, within the EDMO culture, improving employment possibilities remains a high priority.

### Second Chance Act-Funded Interventions

In recent years, EDMO officers have used SCA authority and funds to provide the

<sup>81</sup> The primary outcomes of interest will be health care use patterns for ambulatory sensitive care conditions, opioid use-related health outcomes (overdose events and death) and criminal justice contact within 12 months of release. Healthcare use outcomes for this study will include preventable emergency department visits and hospitalizations which we will ascertain from hospital administrative data in Missouri.

<sup>82</sup> Lichtenberger, E. (2012), Offender Workforce Development specialists and their impact on the post-release outcomes of ex-offenders, *Federal Probation*, 76(3); Visher, C., et al. (2010), Workforce Development Program: A pilot study in Delaware, *Federal Probation*, 74(3); Rakis, J. (2005), Improving the employment rate of ex-prisoners, *Federal Probation*, 69(1).

following employment training programs: Commercial Driver's License (CDL), pre-apprenticeship with the Carpenter's Union, as well as certifications in culinary arts, welding, automotive repair, electrical repair, and certified nursing assistance. Additionally, EDMO officers have found ways to eliminate barriers to attend trainings. For instance, they work with a Computer Numerical Control (CNC) program that offers participants lodging, transportation to and from the training site, lunch, and even a stipend that the provider pays participants while they are engaged in training. Upon completion, the participants receive assistance with obtaining employment from the vendor, local career services, and/or their supervision officer. In addition, officers use SCA funding to address employment barriers by providing bikes and helmets for transportation to work, daycare for a limited time while job searching and while awaiting other funding or self-pay sources, basic work clothes or steel toe shoe to start a job they have obtained, and funding for on-the-job training with employment partners. During fiscal year 2020, the EDMO spent more than \$250,000 in SCA funding to support vocational training. Those under supervision appreciate the assistance they have received.

The training program provided to me through the government was very helpful to my career I received my CDL Class A from MTC training school. It has always been a dream of mine to be a truck driver the government help me obtain my dreams and got me started in the right directions since I've been released. It was a very life-changing situation for me and I appreciate the opportunities that it's given me to help better myself once released from incarceration. To anyone who wants a better career and better pay I suggest you take up the CDL Class A training program.

### Inter-Agency Agreements

As with health care needs, EDMO has additional MOUs that address employment barriers, including one with the U.S. Selective Service. Very often, releasing inmates have never registered with the Selective Service and are therefore ineligible to receive federal job assistance and/or financial aid for education. EDMO shares data directly with the Selective Service and they are automatically enrolled if eligible. Additionally, EDMO has a MOU with

<sup>80</sup> U.S. Probation Officer Michael Alvarez.

the Missouri Department of Motor Vehicles (DMV) and the Department of Social Service (DSS). The agreement allows EDMO to assist those releasing to secure a driver's license, including removing suspensions for failure to pay child support and combining cases to arrange payment plans.

### Housing

The inadequate supply of affordable housing is a problem that confronts many, if not most, American communities. For those returning from prison, the housing challenge can seem colossal. The stigma of incarceration, the lack of financial resources or employment, and poor or no credit history, often combine to relegate the recently released to dependency upon others for basic shelter for longer periods than all would likely prefer. Within federal community corrections, housing is likely the most problematic barrier—or responsivity factor in RNR language—that those beginning post-conviction supervision confront. Fortunately, SCA enactment gave the federal courts authority to assist with emergency and transitional housing.<sup>83</sup>

### Second Chance Act-Funded Emergency and Transitional Housing

As noted earlier, there are few criminogenic needs and responsivity factors for which a SCA response is not available. Housing needs, however, have increasingly consumed limited SCA funds. During fiscal year 2020, federal courts spent approximately \$3.6 million for all SCA services. Forty-three percent (\$1.56 million) of the funding supported emergency and transitional housing. Housing expenditures in the federal system increased 80 percent from 2019 to 2020.<sup>84</sup> EDMO has long been a leader in housing assistance. By September 2020, EDMO had spent more than \$272,000 for housing, about 17.5 percent of the \$1.56 million spent for all housing across the federal courts combined that same year. Over the prior four years combined, the district has spent over \$1.3 million for housing.

Many who reenter have a difficult time finding housing, but none more so than those who were convicted of a sex offense. Very often family ties are attenuated, and local and state residency restrictions limit where they may reside. In fiscal year 2020, the office used SCA funding for 11 higher risk sex offenders,

<sup>83</sup> 18 USC 3672 and 3154.

<sup>84</sup> This increase was likely fueled in part by COVID-19's impact on employment and resulting increase in evictions.

which totaled more than \$10,500. The benefit is not lost on those who receive housing assistance, as shared by one person who had spent 6.5 years in custody for child pornography:

Without my probation officer finding this apartment, I don't know what I would have done. Second chance funding allowed me to get a nice apartment, that I can afford. For the first time in over seven years, I have my own place. I'm really proud of that.

The probation office has identified and worked with several different property owners who have committed to assisting this population. Part of the reentry process has been to educate these property owners on the sex offender registration laws. Housing someone convicted of a sex offense on one's property poses challenges. These property owners are aware of the risks involved, including unannounced searches and public acknowledgement. Making the property owners aware of the convictions these individuals have allows the reentry process to continue more smoothly.

### Project Home

EDMO started "Project Home" 13 years ago. Its mission is to show those on federal supervision that home ownership is possible. EDMO officers assist people on supervision in becoming homeowners through education and coordination using local resources. Through financial budgeting and credit counseling, participants understand their personal finances and the power afforded to them when they establish and maintain good credit. Officers provide mentorship and guide them through the home buying process, working with reputable lenders and non-commission-driven realtors. To date, more than 75 participants have purchased a home through this program, all at 30-year fixed rate mortgages that are often less than what they had paid in rental expenses.<sup>85</sup> Three other federal probation offices have now replicated the Project Home program.<sup>86</sup> For many under supervision, this program makes a major impact.

<sup>85</sup> In January, St. Louis University began working with the program to measure its outcomes and provide a cost-benefit analysis. With more than 100 variables being recorded and analyzed, this study will provide valuable information on recidivism and other factors of interest.

<sup>86</sup> The Middle District of Tennessee, the Northern District of Texas, and the District of Nevada.

Without the people and support of the entire Project Home team, I am positive it would have taken me years to accomplish the same results. I love my home and plan to stay here for the foreseeable future. I owe my happiness and stability in the community to the caring people of the St. Louis Probation Office who, working as volunteers in the Project Home program, made it all possible and I will never forget them.

### All Hands On Deck!— Toward a Model of Reentry-Centered Supervision

A truly reentry-centered vision for the federal criminal justice system could require major legislative and even structural changes<sup>87</sup> that may never be realized. However, on the "receiving end" of that system, USPPS is perhaps the best informed and most vested in mitigating the challenges, second only perhaps to those releasing who are living under its constraints. Given advances in EBP as described above and growing expertise in the gauntlet of reentry, U.S. probation officers could take the first steps, in collaboration with the BOP, to expand their current role.

The breadth and depth of deficits with which defendants arrive in prison are regrettably, and perhaps unavoidably,<sup>88</sup> compounded during lengthy periods of incarceration. And many, if not most, of the persons releasing from BOP onto federal supervision may want to "lawful[ly] self-manage," but struggle to succeed. Within current federal post-conviction policy, the supervision officer is identified as the "primary change agent" tasked with assisting the person under supervision to gain needed skills and to move toward "lawful self-management."<sup>89</sup> And we know from the EBP literature that a positive, working relationship between officers and those reentering from prison is the *sine qua non* of effective supervision.<sup>90</sup> Typically, however,

<sup>87</sup> Olesen, J. (2013).

<sup>88</sup> Considering the four identified criminogenic needs (or risk factors) in the PCRA (criminal thinking, criminal peers, employment/education, and substance abuse), it is hard to imagine an environment less helpful than what is found in "modern" American prisons.

<sup>89</sup> *Guide to Judiciary Policy*, Volume 8, Chapter E.

<sup>90</sup> Taxman, F. (2008) No Illusions: Offender and organizational change in Maryland's pro-active community supervision efforts, *Criminology & Public Policy*, 7(2).

in the federal system, the officer does not substantively engage until someone reenters the community. This contrasts with the timing and degree of risk assessment, reentry planning, prison in-reach, and comprehensive assistance delivered in the EDMO. The breadth of needs demands a sort of “All Hands On Deck” approach within the organization, coordinating all of their efforts, and extending into the larger community, including non-profits, governmental agencies, and private sector employers.

The holistic approach described above is arguably the most comprehensive reentry approach in the federal criminal justice system. Is such a model worth it? Is it realistic? Does it distort the role of the probation officer? Consider a similar situation. Within the world of criminal defense, there is an approach referred to as “holistic advocacy,” a view where the role of the defense attorney and staff includes addressing the full range

of challenges confronting their clients, rather than just focusing all energies on the criminal charges at hand and securing the best outcome for the client. The most well-known effort at holistic advocacy is with the Bronx Public Defenders Office,<sup>91</sup> although critics consider this a distortion of the true role of criminal defense.<sup>92</sup> However, in a recent comparative evaluation, researchers found that holistic advocacy significantly decreased the frequency of and length of custodial sentence.<sup>93</sup> Can this model be replicated within USPPS? Should the holistic EDMO reentry model be replicated? Is it sustainable? Are there tradeoffs in providing this level of assistance?

The NIJ research-based framework discussed above helpfully conveys key reentry realities, and the EDMO reentry model addresses many of the challenges identified. Considered in its totality, several themes, which could inform a new national approach

to reentry, are clear:

- Providing early and in-depth information gathering and risk assessment.
- Expanding in-reach.
- Building trust and rapport.
- Meeting individual needs.
- Creating opportunities for *change*.
- Recruiting specialized staff.
- Creating inter-agency agreements.

USPPS could address reentry challenges with a more holistic approach if committed, if adequately resourced, and if supported internally and externally. This would require significant innovation and change in policies and procedures. EDMO is but one example of what reentry-centered supervision might look like. Now, particularly given the expanded public awareness of mass incarceration and its grossly disparate racial impact, can such an effort not be made?

<sup>91</sup> A new model of public defense, [bronxdefenders.org](http://bronxdefenders.org)

<sup>92</sup> Holland, B.( ) “Holistic Advocacy,” An important but limited institutional role, *N.Y.U. Review of Law & Social Change – Legal Scholarship for Systemic Change*, 30(4).

<sup>93</sup> Anderson, J. et al. (2019) The Effects of Holistic Defense on Criminal Justice Outcomes, *Harvard Law Review*, Volume 132, Number 3.