

Statement of

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Senate Judiciary Committee

Subcommittee on Crime and Drugs

On

“The First Line of Defense: Reducing Recidivism at the Local Level”

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Senator Cardin, Ranking Member Graham, and distinguished members of the Subcommittee:

Thank you for the opportunity to speak here today on the important issue of jail reentry. I am a senior research associate at the Urban Institute, a nonprofit, nonpartisan research organization in Washington, D.C. I have three goals this afternoon: to describe jail reentry as a compelling problem that warrants increased national attention; to share some of the innovation under way; and to explain how this subcommittee can spur more innovation and evaluation in the area of transition from jail to the community.

Reentry from Prisons and Jails Warrants National Attention

Incarceration rates are at an all-time high. As of midyear 2008, nearly 2.4 million men and women were incarcerated in this country's prisons and jails.¹ One in every 100 adults in the United States is now behind bars on any given day, according to the Pew Center on the States.²

The traditional business-as-usual approach to incarceration is to keep inmates locked up—away from society—to keep us safe. With little treatment and transition planning, most individuals are released with the same problems that got them locked up in the first place. To be clear: business-as-usual does *not* produce the results we want.

- Recidivism rates are unacceptably high. Two-thirds of state prisoners are rearrested within three years of their release, and half are reincarcerated for a new crime or a technical violation.³
- Public spending on corrections is at an all-time high. The United States spends about \$69 billion on corrections, up from \$41 billion just 10 years earlier.⁴
- The effect on families and communities is distressing and far-reaching. More than 2.4 million children have a parent in prison or jail.⁵ And in some of the most hard-hit communities, as many as 1 out of every 8 adult males is incarcerated.⁶

In the past decade, we have realized that “they all come back”⁷—that almost everyone who is incarcerated will eventually return home. This is especially true of the jail population. The big question is, how do we incarcerate and release individuals in a way that makes them less likely to reoffend and more likely to work, support their families, pay taxes, and be productive members of society?

The unique challenges and opportunities of jail reentry

For the past 10 years, the criminal justice community has focused growing attention on the more than 700,000 prisoners returning home every year from state and federal prisons.⁸ Only recently have the estimated 12 million releases from local jails gained attention.⁹ That's 12 million opportunities to intervene in unstable lives and help change their course for the better.

Intervention is difficult in a jail setting, however, for several reasons. First, stints in jail are brief. While prisons incarcerate individuals for an average of 2.5 years, jail populations turn over very quickly. Less than 20 percent of inmates stay more than a

month; some are jailed only a few hours or days.¹⁰ For release planning and service provision purposes, this is not a lot of time to work with.

Additionally, jail populations are diverse in many respects.¹¹ The majority (62 percent) of jail inmates have not been convicted of a crime (for the current incarceration period).¹² Jails house pre-trial and sentenced offenders, probation and parole violators, and sometimes even state and federal prisoners. All of this means jail administrators cannot accurately predict *when* many will be released, adding another complication for programming and release planning.

At the same time, the need for treatment and assistance in jails is acute. Many people who cycle in and out of jail face multiple and overlapping problems and would benefit from interventions that begin in jail and continue upon release. For example,

- 68 percent meet the criteria for substance abuse or dependence,¹³
- 60 percent do not have a high school diploma or GED,¹⁴
- three in 10 inmates were unemployed the month before arrest—and almost twice as many were underemployed,¹⁵
- 16 percent are estimated to have serious mental health problems,¹⁶ and
- one in seven was homeless at some point the year before they were incarcerated.¹⁷

Most jails don't have the time or capacity to help individuals overcome these serious deficits. The ability to offer extensive treatment programs is compromised by the issues raised above—large numbers of inmates, various legal statuses, and short and unpredictable lengths of stay. Also, most jails are not accustomed to letting community organizations inside to begin the service delivery that could continue after release.

Another critical challenge of jail reentry is that few localities have a designated private organization or public agency to ease the transition process after release. So unlike state and federal prisoners, who are typically released to parole or probation supervision, most jail inmates are simply let out on their own. No single person or organization is responsible—or held accountable—for reentry assistance or oversight once individuals are released to the community.

Finally, from a policy perspective, it's important to note that there are 3,365 independently operated jails in the United States.¹⁸ Jails are typically run by sheriffs or corrections administrators at the county or city level, so policy change is much more complex than reentry reform at the state or federal levels.

However, opportunities exist for addressing reentry from jail. For example, brief stays mean less time away from home communities. Individuals aren't disconnected for long from their families, jobs, and other positive social networks. Unlike prisoners who face longer sentences, individuals incarcerated in jails may be able to return to their homes, churches, or jobs following a brief jail stay.

Because jails are locally situated, they can facilitate “in-reach” with nearby service providers who can continue assisting an individual after release. These agencies, such as

departments of health and human services, workforce development, and family and child welfare services, are likely *already* working with the very people who cycle in and out of jail, as well as the individuals' families. Not only are most repeat offenders using jail space over and over again, but they are also repeatedly using human services.

Progress and Innovation Are Under Way

Over the past four years, the Department of Justice (via the Office of Justice Program's Bureau of Justice Assistance and the National Institute of Corrections) has made strategic investments to help the field build knowledge and awareness and to develop a jail-to-community model and technical assistance materials.

In 2006, the Bureau of Justice Assistance funded a partnership with the Urban Institute, John Jay College of Criminal Justice, and the Montgomery County Department of Correction and Rehabilitation to convene a roundtable on reentry from jails. The two-day meeting brought together leading jail administrators, researchers, corrections and law enforcement professionals, county and community leaders, service providers, and formerly incarcerated individuals to discuss the unique dimensions, challenges, and opportunities of jail reentry. The roundtable produced commissioned papers, presentations, and two reports—"Life After Lockup: Improving Reentry from Jail to the Community" and "The Jail Administrator's Toolkit for Reentry."¹⁹

More recently, the Urban Institute and our partners (Kevin Warwick, president, Alternative Solutions Associates, Inc.; Gary Christensen, principal, Corrections Partners, Inc.; and Jeff Mellow, associate professor, John Jay College of Criminal Justice) have been working with the National Institute of Corrections to develop a Transition from Jail to Community (TJC) model that can be adopted in jurisdictions large and small, urban and rural. We developed this model in collaboration with an experienced group of advisors from around the country, including sheriffs, police chiefs, judges, victims' advocates, jail administrators, service providers, and formerly incarcerated individuals. The model was informed by innovative practices already under way—some for many years—in places like Montgomery County, MD; Hampden County, MA; New York, NY; and Allegheny County, PA.

The goals of the TJC initiative are ambitious: improved public safety and better outcomes for individuals returning to their communities. This means fewer crimes, reduced substance abuse, reduced homelessness, improved health, increased employment, and increased family connectedness. TJC is not a program but a systems-change approach—a way for jails and community organizations to effectively work together on a day-to-day basis.

The importance of involving community organizations in transition efforts cannot be overstated. Because people are incarcerated and then return to their home neighborhoods so quickly, community agencies and stakeholders must own the problem and the solution, in partnership with jails. As Martin Horn, the former commissioner of New York City's Department of Correction and Probation, stated,

In New York, we hold individuals for ... brief periods of time, so the solution has to be in the community. They do all return to communities. These are the children of our communities, ultimately—these are the brothers and the sisters, the mothers and the fathers, the children and the grandchildren. And unless communities take ownership of the manner in which they return to their communities, we can't do it by ourselves.²⁰

What does effective transition involve?

- **Screening and assessment** to quickly determine an inmate's risks and needs and to flag high-risk individuals for transition planning and services;
- **Development of a transition plan** to identify what people need most (such as substance abuse treatment and a job) and how they will get them;
- **Targeted transition interventions** that begin in jail and continue after release. Interventions can involve multiple service sectors, such as workforce investment boards and health care providers. Community "in reach" is encouraged, both to expand the jail's capacities and to build relationships with individuals before they are released. Informal support networks, such as families and faith communities, and supervision agencies (when applicable) should also be involved.

The TJC model builds on evidence-based principles generated by recent research and the experiences of innovators like those at this hearing. The goal is to match the right treatment and requirements to the right individuals, focusing scarce resources on the interventions that are most effective and on the people who need them most. This is far from business-as-usual in most jurisdictions.

We are evaluating the efforts of the six TJC pilot sites²¹ so that we can help guide jurisdictions toward success and document it when it occurs. The new Second Chance grantees, many of which are focused on jail reentry, are using similar principles and provide many reasons for optimism. In TJC and Second Chance jurisdictions, we hope to see lower recidivism rates, improved employment outcomes, better health, and less homelessness.

Congress Can Encourage More Innovation and Evaluation

It is far too soon to declare victory or to think we've got this public safety problem figured out. While dozens of jurisdictions are working on reentry strategies, there are more than 3,000 jails in the United States. By focusing attention on jail reentry through hearings like this one and by passing bipartisan legislation like the Second Chance Act, Congress signals to jurisdictions around the country that new directions are in order. These are clear signs that jails and their communities must be responsible together for what happens to individuals before *and after* they are released.

Of course, grants and similar financial support make a difference. They foster collaboration, seed innovation, and fund real services, such as substance abuse treatment and job placement. Congressional funding also creates much-needed resources for the field, such as the newly established National Reentry Resource Center.²² Congressional

attention and funding signals to cities, counties, and states that a proactive approach to reentry is the way of the future—and they shouldn't wait or they'll be left behind.

At the same time, we still have much to learn about what works. Accordingly, funding should also be used to rigorously evaluate new jail-to-community reentry efforts. It is critical that we figure out what approaches are most effective so lessons learned can benefit the broader field.

The work ahead is complex and implementation is difficult. But I am optimistic that well-implemented, research-informed reentry efforts will lead to safer, healthier communities for all Americans.

Thank you for inviting me to speak today. I will be happy to answer any questions you may have.

Respectfully submitted,

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For further information about jail transition, please see:

Life After Lockup: Improving Reentry from Jail to the Community
<http://www.urban.org/url.cfm?ID=411660>

The Transition from Jail to Community Web Site
<http://www.jailtransition.com>

Jail Reentry Roundtable Web Site
<http://www.urban.org/projects/reentry-roundtable/roundtable9.cfm>

The National Reentry Resource Center
<http://www.nationalreentryresourcecenter.org>

¹ As of midyear 2008, there were 1,409,442 individuals in state prison, 201,142 in federal prisons, and 785,556 persons awaiting trial or serving a sentence in local jails. U.S. Bureau of Justice Statistics. No date. "Corrections Statistics." <http://www.ojp.usdoj.gov/bjs/correct.htm>.

² Warren, Jenifer, et al. 2008. "One in 100: Behind Bars in America 2008." Washington, DC: The Pew Center on the States. <http://www.pewcenteronthestates.org/uploadedFiles/One%20in%20100.pdf>.

³ Langan, Patrick A., and David J. Levin. 2002. "Recidivism of Prisoners Released in 1994." Bureau of Justice Statistics Special Report NCJ193427. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics. <http://www.ojp.usdoj.gov/bjs/abstract/rpr94.htm>.

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- ⁴ These figures are from 2006 and 1996, respectively. U.S. Bureau of Justice Statistics. No date. "Expenditure and Employment Statistics." <http://www.ojp.usdoj.gov/bjs/eande.htm>.
- ⁵ This is a 2002 figure, the most recent available. Specifically, 822,100 children had a parent in jail, 1,381,900 had a parent in state prison, and 209,700 had a parent in federal prison. "Parents under Correctional Supervision: Past Estimates, New Measures," a presentation by Christopher J. Mumola, Bureau of Justice Statistics, at the NIDA Research Meeting, November 6, 2006. http://www.drugabuse.gov/whatsnew/meetings/children_at_risk/pdf/Mumola.pdf.
- ⁶ Analysis by E. Cadora and C. Swartz for the Community Justice Project at the Center for Alternative Sentencing and Employment Services (CASES), 1999. For more information, see <http://www.communityjusticeproject.org/>.
- ⁷ Travis, Jeremy. 2005. *But They All Come Back: Facing the Challenges of Prisoner Reentry*. Washington, DC: Urban Institute Press. <http://www.urban.org/url.cfm?ID=211157>.
- ⁸ Specifically, in 2007, 725,402 sentenced prisoners were released from state and federal prisons. West, Heather C., and William J. Sabol. 2008. "Prisoners in 2007." Bureau of Justice Statistics Bulletin NCJ 224280. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics. <http://www.ojp.usdoj.gov/bjs/pub/pdf/p07.pdf>.
- ⁹ According to the Bureau of Justice Statistics, an estimated 9 million unique individuals cycle through jails some 12 million times each year. Beck, Allen J. 2006. "The Importance of Successful Reentry to Jail Population Growth." Presented at the Urban Institute Jail Reentry Roundtable, Washington, DC, June 27, 2006. www.urban.org/projects/reentry-roundtable/roundtable9.cfm.
- ¹⁰ The average length of stay in small jails is only 11 days; in large jails, it is 27 days. Beck, Allen J. 2006. "The Importance of Successful Reentry to Jail Population Growth." Presented at the Urban Institute Jail Reentry Roundtable, Washington, DC, June 27, 2006. <http://www.urban.org/projects/reentry-roundtable/roundtable9.cfm>.
- ¹¹ The majority of inmates are charged with misdemeanor offenses. However, on any given day, the offenses for which inmates are incarcerated are evenly divided among four major crime types: public-order, drug-related, property, and violent offenses. James, Doris. 2004. "Profile of Jail Inmates, 2002." Bureau of Justice Statistics Special Report NCJ 201932 (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 2004). <http://www.ojp.usdoj.gov/bjs/abstract/pji02.htm>.
- ¹² Beck, Allen J. 2006. "The Importance of Successful Reentry to Jail Population Growth." Presented at the Urban Institute Jail Reentry Roundtable, Washington, DC, June 27, 2006.
- ¹³ Karberg, Jennifer, and Doris James. 2005. "Substance Dependence, Abuse, and Treatment of Jail Inmates, 2002." Bureau of Justice Statistics Special Report NCJ 209588, Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics. <http://www.ojp.usdoj.gov/bjs/abstract/sdatji02.htm>.
- ¹⁴ Harlow, Caroline Wolf, *Education and Correctional Populations*, Bureau of Justice Statistics Special Report NCJ 195670 (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 2003).
- ¹⁵ James, Doris. 2004. "Profile of Jail Inmates, 2002." Bureau of Justice Statistics Special Report NCJ 201932 (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 2004). <http://www.ojp.usdoj.gov/bjs/abstract/pji02.htm>.
- ¹⁶ Ditton, Paula, *Mental Health and Treatment of Inmates and Probationers*, Bureau of Justice Statistics Special Report NCJ 174463 (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 1999).
- ¹⁷ James, Doris. 2004. "Profile of Jail Inmates, 2002." Bureau of Justice Statistics Special Report NCJ 201932 (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 2004). <http://www.ojp.usdoj.gov/bjs/abstract/pji02.htm>.
- ¹⁸ Beck, Allen J. 2006. "The Importance of Successful Reentry to Jail Population Growth." Presented at the Urban Institute Jail Reentry Roundtable, Washington, DC, June 27, 2006.
- ¹⁹ This information is available at the Jail Reentry Roundtable web site, <http://www.urban.org/projects/reentry-roundtable/roundtable9.cfm>.
- ²⁰ Drum Major Institute for Public Policy, "DMI Marketplace of Ideas: The Power of Restorative Justice," May 16, 2005.
- ²¹ The TJC sites are Denver, CO; Douglas County, KS; Kent County, MI; La Crosse County, WI; Davidson County, TN; and Orange County, CA.
- ²² The National Reentry Resource Center, established by the Second Chance Act and administered by the Bureau of Justice Assistance, provides education, training, and technical assistance to states, tribes,

territories, local governments, service providers, non-profit organizations, and corrections institutions working on prisoner reentry. The Center is a project of the Council of State Governments Justice Center, with key project partners: the Urban Institute, Association of State Correctional Administrators, and the American Probation and Parole Association. The Center is also guided by an Advisory Board, which helps coordinate support and services for Second Chance Act grantees and the reentry field.