Can the Correctional System Live Up to Its Name? Offender Rehabilitation in America

by Bruce Barron and Judy Feldman
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I. INTRODUCTION

The United States, widely considered a land of great opportunity and affluence, also leads the world in another, more ignominious statistic: it has more than 2 million people behind bars, or almost one-quarter of the world’s prisoners. Even on a per capita basis, the total U.S. incarceration rate, with 750 of every 100,000 residents in county jails or state and federal prisons, far exceeds that of all other major industrialized nations. And the U.S. prison population is continuing to grow.

One partial explanation for this number-one ranking is that the United States has a competent law enforcement sector unusually skilled at catching criminals and bringing them to justice. On the less encouraging side, poverty, drug addiction, and family breakdown increasingly contribute to delinquency, especially in our inner cities.

On top of these factors, U.S. public policy since 1970 has swung markedly toward putting more offenders in jail and keeping them there longer. Mandatory minimum sentences, stricter sentencing guidelines, and “three strikes and out” all reflect widespread popular demand that elected officials get tough on crime and limit judges’ discretion. In the 1970s, about two of every 1,000 American adults were behind bars; now that ratio has more than tripled.

This increase in incarceration has hit certain groups especially hard. Black males are imprisoned at 6.6 times the rate of White males and have a 29 percent chance of serving at least a year in jail during their lifetimes. The racial imbalance has been intensified by the war on drugs, as three-fourths of all those imprisoned for drug offenses are people of color. As of 2007, 20 percent of Pennsylvania state prison inmates were incarcerated for drug crimes.

People with mental illness are flooding our local jails and state prisons as well. According to the Council of State Governments, Pennsylvania has seen a 47 percent increase since 2000 in admissions of individuals with a mental health indicator. Treating these individuals within the prison system is especially costly, yet they are 40 percent less likely to be placed on parole than other prisoners.

Tougher sentencing has two intended purposes: improving public safety and deterring crime. But it also has unintended consequences. Adults who go to jail often leave behind children; at any given time, about 2 million U.S. children have a parent behind bars. Deprived of a parent’s income and attention, these children are five to six times more likely to become the next generation of criminals. Even with longer sentences, 95 percent of inmates are eventually released and returned to society, frequently more hardened than rehabilitated by their prison experience. National statistics indicate that more than half of these individuals return to criminal activity within a year and that two-thirds are arrested again within three years.
The growth in the jail and prison population brings with it an enormous rise in public expenditures. The state spends $1.6 billion a year, or about 6 percent of the state budget, on corrections and another $500 million or so on county jails. Pennsylvania already ranks second nationally in the number of state prisons and has allocated nearly $1 billion for further prison expansion.

And yet the growing prisoner population continues to outstrip the pace of construction. In 1996, Pennsylvania state prisons had 7,000 more inmates than their stated capacity of 27,000. Over the next decade, the state added 12,000 prison beds, but the population had increased by 10,000, to 44,625, as of early 2007. According to the Council of State Governments Justice Center, if current policies are left unchanged, Pennsylvania could have a capacity shortfall of 11,000 beds by 2011 and more than 59,000 state prisoners by 2013.

Our nation’s massive investment in imprisonment is yielding diminishing returns for increasing costs. As a result, public pressure to make life miserable for criminals is giving way to recognition that the policy pathway of the last 30 years is unsustainable. Policymakers and the general public alike are recognizing that we cannot afford to put so many people behind bars and that we must do a better job of equipping offenders to reenter society constructively.

This sea change was reflected in bipartisan support for the 2008 federal Second Chance Act, which authorizes grants to governmental and nonprofit entities that provide employment assistance, substance abuse treatment, housing, mentoring, and other services that can help to reduce recidivism. Early in 2009, the U.S. Congress appropriated $25 million for Second Chance Act programs for the federal fiscal year ending September 30—including $15 million for state and local reentry demonstration projects and $10 million for grants to nonprofit organizations.

Even with growing public support, however, offender rehabilitation programs face numerous barriers. Many inmates have mental health problems and/or drug or alcohol addictions that seriously hinder their recovery potential. Parolees often have few employable skills and limited job experience, and the affirmative answer they must give to “Have you ever been convicted of a felony?” makes them damaged goods in the eyes of many potential employers. Lacking savings or housing assistance, most return to their former neighborhoods; surrounded by the negative influences that previously led them into a life of crime, they often slide quickly into their old ways.

Judges, meanwhile, hesitate to offer leniency to offenders in rehabilitation, fearing that one violent crime by a parolee could cause irreversible damage to their reputations and ambitions.

Diverting convicted nonviolent criminals from incarceration to treatment, effective rehabilitation of offenders, and reduction of the jail and prison population are all worthy, important goals. They also are very difficult to achieve. This Institute of Politics Status Report looks at various approaches toward achieving success in offender rehabilitation, drawing on existing research as well as in-depth interviews with experts, and presents various perspectives on how to improve policy in this field.
It should be noted that county jail facilities face different challenges from state prison systems. Counties have large numbers of inmates awaiting trial; those convicted serve much shorter terms (about six months on average) than those sent to state prisons, where the minimum sentence is usually at least two years. Counties have more nonviolent criminals with a greater chance of successful rehabilitation but less time to establish and carry out rehabilitation plans before their inmates are released. This report encompasses offender rehabilitation issues at both county and state levels, but with particular attention to county-level challenges and opportunities, which have tended to receive less attention than state correctional policies.

In every crisis there is an opportunity. The present economic crisis has accentuated alarm about our nation’s enormous correctional expenditures and caused policymakers to ask whether we can achieve the primary goals of our correctional system—reducing crime, protecting public safety, and reintegrating convicted persons successfully into our society—at much less cost. This report focuses on ideas advanced by those who think the answer to that question is yes.

2. HOW WE GOT HERE

A brief look at the recent trajectory of U.S. crime policy, and especially at factors contributing to the explosion of our prison population, should provide a fuller context for the presentation of current options.

Between 1940 and 1970, incarceration rates saw little fluctuation. Pennsylvania’s inmate population, for example, seemed stuck at around 7,000. But during the 1970s, alarmed by rising crime rates and dissatisfied by what they saw as overly lenient sentences, Americans began to call for tougher punishments. The Pennsylvania Commission on Sentencing was formed in 1978 as part of a nationwide movement to standardize and toughen sentences.

The Nixon administration’s launch of the war on drugs, a full-scale effort to rein in the illegal drug trade, in the early 1970s led to more incarcerations. As of 1980, only about 4 percent of Pennsylvania’s prisoners (311 out of 8,243) were there for drug crimes, but soon many more drug dealers and even addicts would find themselves locked up.

Crime continued to grow during the 1980s, even as arrest rates and prison populations rose. Concern for rising crime led to further investment in law enforcement and imprisonment.

Beginning in the late 1980s, the tough-on-crime policy appeared to pay dividends as crime rates began to drop. By 2007, the total number of crimes committed annually had dropped by more than 18 percent compared to 1988 (from 13.9 million to 11.3 million), and the arrest rate per 100,000 persons was down by nearly one-third.

Yet, even as arrest rates dropped, prison populations continued to grow. Several factors contributed to this seemingly contradictory result: a higher conviction rate, a greater tendency to sentence offenders to jail time, longer prison stays, and large numbers of offenders being returned to prison for probation or parole violations. As drug testing became less expensive, more ex-offenders were tested for drug use, resulting in more revocations of parole and readmissions to prison.

Criminologist James Austin points out that correctional populations are the result of a simple formula: number of admissions times length of stay. (For example, if a county jail admits 3,000 inmates for an average length of six months, its typical population will be about 3,000 inmates a year times 0.5 years, or 1,500.) Since 1980, not only have more offenders been sentenced to jail, but the average length of stay has risen by 40 percent due to longer sentences, more conservative parole board decisions, and laws limiting eligibility for early release.

In fact, many states eliminated parole altogether. By 2001, 16 states had abolished parole boards in favor of fixed-term punishments. Pennsylvania was not one of these 16 but did participate in the movement toward establishing mandatory minimum sentences for numerous crimes committed by repeat offenders.

Figure 2: Changes in the U.S. Adult Correctional Population 1980–2007

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<tbody>
<tr>
<td>Prisons</td>
<td>319,598</td>
<td>607,766</td>
<td>1,512,576</td>
<td>+373%</td>
</tr>
<tr>
<td>Probation</td>
<td>1,118,097</td>
<td>2,356,483</td>
<td>4,293,163</td>
<td>+284%</td>
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<tr>
<td>Parole</td>
<td>220,438</td>
<td>407,977</td>
<td>824,365</td>
<td>+274%</td>
</tr>
<tr>
<td>Jails</td>
<td>182,288</td>
<td>341,893</td>
<td>780,581</td>
<td>+328%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1,840,400</td>
<td>3,714,100</td>
<td>7,410,685</td>
<td>+303%</td>
</tr>
<tr>
<td>U.S. Population</td>
<td>227 million</td>
<td>245 million</td>
<td>306 million</td>
<td>+35%</td>
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<tr>
<td>Reported Index Crimes</td>
<td>13.4 million</td>
<td>13.9 million</td>
<td>11.3 million</td>
<td>-16%</td>
</tr>
<tr>
<td>Index Arrest Rate per 100,000</td>
<td>1,056</td>
<td>1,124</td>
<td>744</td>
<td>-30%</td>
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Discretionary disposition of individual cases gave way to uniformity of sentencing and certainty of punishment. Prisons became more focused on managing prisoners and less focused on preparing them for release.

In the short term, this toughness can reduce crime and victimization of Americans by putting criminals away for long periods. But 95 percent of offenders eventually get out of prison, and, if poorly prepared for their return to society, they will again pose a significant threat to public safety. Granted, when caught, they may end up behind bars again, but in most cases, as Nancy La Vigne of the Urban Institute noted, “What got them back behind bars was another victimization.”

Around the dawn of the 21st century, the policy pendulum began to swing again. Joan Petersilia, now of Stanford Law School, has stated that in 1999, when she began research for her book When Prisoners Come Home: Parole and Prisoner Reentry, the concept of prisoner reentry was still little noticed (though many such initiatives, including some described in this report, already existed). But by 2001, in Austin’s words, reentry had become “the new buzzword in correctional reform.” Some efforts focused on helping offenders to find employment, housing, and health care; others sought to strengthen their connections to supportive family members, mentors, or faith-based communities. Special courts designed to guide particular groups of offenders (e.g., those with addictions or mental illness) into suitable treatment had spread across the nation in the decade following the creation of the first drug court in Miami, Fla., in 1989.

New York state, long known for having the nation’s strictest drug laws, passed legislation in spring 2009 that expanded judicial discretion to send lower-level offenders to treatment rather than jail. Even before that reform, increased reliance on treatment programs had lowered the state’s number of drug offenders behind bars from 23,000 to 14,000 as of 2007. The Obama administration may encourage this shift to continue nationwide, as its “drug czar,” Gil Kerlikowske, has called for more use of drug courts and less imprisonment.

3. DIVERSION

“If you do the crime, you will do time.”

The threat of jail time is a salient deterrent to criminal behavior, but it does not necessarily follow that every criminal activity should be punished with incarceration. Many other alternatives are available:

- Fines or community service can function as forms of punishment, taking money or free time from the convicted person while providing something of value to society.
- Restitution can provide compensation to crime victims and can aid in the reconciliation of broken relationships.
- Probation or daily reporting requirements can deliver a stern warning and keep the offender on a relatively short leash while still permitting him or her to access community-based services, maintain employment, and preserve family or social connections that are valuable in the rehabilitation process.
- When the offender has addiction or mental health issues, treatment may be a more viable path to recovery than imprisonment.

While all these options divert convicts away from frequently overcrowded jails and prisons, the term “jail diversion” most commonly refers to the assignment of offenders with addictions or mental disorders to treatment rather than incarceration.

The most significant development in jail diversion is the emergence of specialty or “problem-solving” courts. Miami-Dade County, Fla., created the first drug court in the country in 1989, motivated by the realization that traditional criminal punishment was not affecting the behavior of drug-addicted offenders. In drug courts, judges frequently use their authority to sentence defendants to mandatory treatment or rehabilitation rather than jail. The success of drug courts has led to their spread across the country as well as to their replication by specialty courts dealing with other problem areas, such as driving under the influence (DUI), juvenile delinquency, and mental illness.

Seventy-two separate problem-solving courts now exist in nearly half of Pennsylvania’s 60 judicial districts. (Pennsylvania has 67 counties but only 60 judicial districts because some less populous counties share a district.) At the Supreme Court of Pennsylvania’s direction, the Administrative Office of Pennsylvania Courts has launched a program to assist and oversee these courts. “The coercive power of the judge has a significant impact on keeping people in treatment long enough to change behavior,” said Karen Blackburn, problem solving courts program coordinator.

The process of developing a drug court normally begins with the selection of a planning team, typically headed by a judge. The district attorney and public defender, usually adversaries in court, are important team partners, united by their desire to combat
drug addiction and related criminal behavior. This nonadversarial approach is one of the nationally recognized 10 key components of drug courts; access to treatment, frequent testing to verify abstinence from alcohol or drugs, and ongoing judicial interaction are others. Probation staff and treatment providers also participate in planning.

The newest group of offenders to receive the state Supreme Court’s attention is veterans, whose struggles often arise from post-traumatic stress disorder or traumatic brain injury. Reluctant to admit their problems, many veterans instead self-medicate with drugs or alcohol and slide into addiction and crime. Nationally, 11 percent of local jail inmates are veterans.

Buffalo, N.Y., opened the nation’s first veterans court in January 2008; since then, Pennsylvania Supreme Court Justice Seamus Thomas Blackburn said. Defendants are linked with mentors who accompany them to court, talk with them about their struggles, and help them obtain needed treatment through the U.S. Department of Veterans Affairs. Allegheny County launched the state’s first veterans court in Fall 2009.

Obstacles to starting a problem-solving court include justice professionals’ already-packed schedules, treatment costs, and up-front needs such as coordination. Probation officers with already-full caseloads are often tapped to become coordinators. A RAND Corporation study of Allegheny County’s Mental Health Court, which opened in 2001, found that increased treatment costs roughly counterbalance reduced jail costs for the first year of an offender’s program but that savings begin by year two.

Criminologist Joan Petersilia of Stanford Law School agrees that many diversion programs have succeeded, but not the cheapest ones. “The knowledge base about how to identify an appropriate client, in what setting to serve them, and how to staff the program has significantly advanced,” she said. “But the alternative to prison is not necessarily cheaper than prison in the short run. People say prison costs an average of $24,000 a year and diversion costs $4,000, but the $4,000 program won’t work. To treat a higher-risk felon in the community may cost $12,000–$15,000.”

Allegheny County’s diversion experience

Claire Capristo, formerly a prosecutor and now chief deputy court administrator for Allegheny County, visited Miami-Dade’s drug court in 1991 at the request of then—District Attorney Robert Colville. She found that, except for a tendency to beef up statistical results by working with very low-level offenders, “everything else was worth duplicating.” But no judge volun-

While it can be difficult to convince prosecutors that treatment rather than jail is suitable punishment, Capristo highlighted a different challenge: convincing defendants to undertake the intense rehabilitation and supervision program. As public defender Rebecca Hudock commented in a June 2009 Pittsburgh Post-Gazette article on drug court, “It’s a lot easier to go to the state [prison] and chill for two years” than to deal with their addiction.

Eligibility for diversion courts is normally limited to people with prior criminal records; DUI court and its high-intensity probation supervision, for example, become available only upon the defendant’s third offense. Capristo says that this strategy may miss some good candidates for rehabilitation but attracts people who realize they are “on the edge of destruction.” Sometimes a one-day “shock incarceration” before an arrestee’s court appearance persuades a defendant to see treatment as preferable.

Program supports include a diversion specialist on site at the county jail; 24-hour access to behavioral health services; and “justice-related services specialists,” who work with arrested individuals to develop treatment plans for the court’s consideration. Defendants in treatment programs appear before a judge at progress hearings at least every two weeks. Those with drug addiction are closely monitored but not jailed for the first relapse. On hearing days, Nauhaus may call forward those who are facing further sentencing first as a reminder to others of what could happen if they slip.

At mental health courts, an accused person’s mental health status is taken into consideration during the court process and in sentencing. The goal is to divert nonviolent offenders from incarceration into community-based services. Allegheny County’s Mental Health Court has become a national model, hosting visits from administrative judges and implementation teams from across the country.

Once sentenced, eligible clients are assigned to service coordinators in the Justice-Related Services unit of the county’s Office of Behavioral Health. These staff members coordinate offenders’ court appearances and treatment activities. They also assist clients with housing, health care, and community support needs. Each client also has a specially trained probation officer.

Like most problem-solving courts, Allegheny County’s Mental Health Court has just one judge, one assistant district attorney, and one public defender assigned to it, because of the belief that working consistently with the same personnel improves client outcomes.
Clients who remain compliant with the service plan and conditions of supervision for half of their probation term become eligible to “graduate.” The assistant district attorney, probation officer, and Justice-Related Services staff make recommendations to the Mental Health Court judge, who decides whether the offender’s sentence should be reduced. In contrast, persons who do not abide by the sanctions imposed in this or other specialty courts are at risk of receiving greater sanctions, including incarceration.

Some of Allegheny County’s 40 probation officers receive specific training to deal with specialized caseloads, such as offenders with mental illness. These probation officers frequently receive smaller caseloads so that they can have more consistent contact with their clients.

Of the 169 “graduates” of Allegheny County’s Mental Health Court from 2006 to 2008, 85.5 percent had not returned to crime as of 2009. This recidivism rate is significantly lower than that of individuals in the Allegheny County Jail.

One limitation of specialty courts is the unavoidable lag time between arrest and case disposition. “The best time to intervene is when the defendant is in crisis,” Capristo stated, but it takes time to schedule mental health screenings and court hearings. Allegheny County also has trained police-based crisis intervention teams so that they can intercept emerging problems and get subjects to recovery centers before they commit a crime.

4. INMATE REHABILITATION AND REENTRY

As Jeremy Travis, president of the City University of New York’s John Jay College of Criminal Justice, put it, “Reentry is not an option”—it is a reality. Except for the small percentage who die behind bars, all prisoners will reenter society sooner or later; the question is whether they will do so with the tools necessary to live differently.

To some, investing significant resources in assisting offenders has seemed counterintuitive, as if we are rewarding crime by offering help to the criminal. Why, these skeptics have wondered, should we give free health care, education, and employment leads to prisoners when we don’t give them to the law abiding? But such concerns have receded in favor of the public health benefits and cost savings achieved when we reduce our incarcerated population.
State prison offender rehabilitation

Pennsylvania’s state prison population just keeps growing. It surpassed 50,000 this year and is growing at an annual rate of about 4 percent. The state prison system is packed to 110 percent of capacity. In a time of great state fiscal distress, Pennsylvania has designated $862 million to build four new prisons and expand several others. Its Department of Corrections also is contracting with county jails, including those in Butler and Indiana counties, that have space to house state prisoners.

The state prison system releases about 17,000 prisoners a year; almost half of them are back behind bars within three years. Can we rehabilitate these prisoners so that fewer of them return to crime after their release?

The Pennsylvania Department of Corrections is certainly trying. Each prisoner’s individualized reentry program begins on the day of arrival, as Kathy Gnall, deputy secretary for reentry and specialized programs, explains.

Each inmate’s initial diagnostic process includes a battery of tests to assess the individual’s mental health, substance abuse status, psychological needs, and likelihood of reoffending. Test analysis leads to the development of individualized correctional plans. Treatment specialists trained in cognitive behavioral therapy work with inmates in group settings.

Because criminals tend to act impulsively, driven by immediate gratification and failing to consider the long-term ramifications of their actions, it does not suffice to warn offenders that further punishment will ensue if they continue to commit crimes. Rather, cognitive behavioral therapy is used to challenge and reorder their antisocial thinking, getting them to explore alternatives to the behavior patterns that landed them in prison and set positive and socially acceptable life goals.

For the 70 percent of state prisoners who have addiction issues, the Department of Corrections offers “therapeutic communities” with intensive substance abuse interventions. One facility, SCI Chester, is devoted solely to inmates with drug and alcohol problems. Evaluations have found that intensive therapeutic intervention is reducing recidivism by 10 percentage points. Other educational and vocational programs have achieved improvements of 5 percent.

Gnall stresses that reentry works best when prisoners serve their sentences at “the lowest possible level”—which, for offenders making progress in treatment and approaching release, would mean county jails or community treatment settings. Most county jails, she says, do not have the resources to deal with ingrained drug addiction or criminal thinking patterns; as inmates show improvement, however, jails are in the best position to transition offenders, because they are located in the communities where these people will return and have improved connections with community-based supports.

Get to work and get a life:

Offender reintegration in Montgomery County, Md.

In May 2009, Bruce Barron visited the Montgomery County Pre-Release Center in Rockville, Md., to learn more about its innovative offender rehabilitation program.

At an intersection four-tenths of a mile downhill from the bustling Rockville, Md., stop on the Washington, D.C., Metro Red Line sits a well-kept, nondescript two-story brick structure. The front wall reads simply “11651 Nebel Street,” leaving passersby to presume that this is some type of office building whose tenants don’t need to advertise their services.

But walk to the front door and you’ll find more information—in the form of a welcome mat reading “Montgomery County Pre-Release Center.”

For more than 30 years, Montgomery County, Md., has been preparing criminals for their return to the community by placing them in this building, which is virtually part of the community. No fences, gates, or metal detectors. No “do not pick up prisoners” warning signs on the street. Not even tight security at the front door. Residents’ whereabouts are closely monitored, but they are free to leave the center for approved trips for work, shopping, or leisure activities.

And the residents aren’t just low-level offenders. When I visited in May 2009, Stefan LoBuglio, Montgomery County’s chief of prerelease and reentry services, explained that the 151 clients in residence that day included 33 federal prisoners and eight state inmates. “We are not a boutique program,” he said. “While most of our residents are lower-level offenders, we do work with individuals who have been convicted of violent and sex offenses, including some for murder. It’s hard to design a reentry program you can populate properly if you say you won’t take violent offenders, gang members, or weapons” (i.e., offenders who used violent weapons in their crimes).

The only criminal category he won’t take: prior escapees. The center has never created a community emergency due to a dangerous offender’s disappearance, and it intends to retain that clean record. LoBuglio bristled, however, at the implication that one mistake, even a big one, should invalidate a program: “Imagine what would have happened to the aviation industry if we had told them in the 1920s that they could never have one crash.”
As LoBuglio walked me around the center’s four wards (three male, one female), his calm, soothing voice exuded confidence in the direction he and his 68 staff members give their clients. The wards are identically furnished, removing any sense of pecking order among the residents, who share bedrooms reminiscent of college dormitories. Each client has an individualized reentry plan, reviewed regularly with case managers, and is expected either to hold down a job or to be actively looking for one.

Borrowing a set of case files from a manager, LoBuglio named a few of the local businesses where clients were working: a grocery, a warehouse, a delivery service, a bagel shop. To reinforce the expectation that daytime is for work, the television in each lounge may not be turned on until 5 p.m.

Resident monitoring combines high-tech with surprisingly low-tech components. On the low-tech side, each ward’s case manager arranges the cards of all residents who are outside the facility, in chronological order based on their anticipated return time, so as to verify timely arrivals. But in addition, higher-risk clients wear ankle bracelets or even sophisticated GPS devices that can zoom in on their precise location at any time.

LoBuglio explained that the center’s ability to select its clients is essential to its success. “In many places, work release is negotiated in court and leads to inappropriate placement,” he said. “We determine eligibility and then seek the judge’s consent for placement. We have the resources to check out candidates’ criminal history and previous employment and determine whether we can safely manage them in our community correctional program. Most judges will say yes to us because of their confidence in our program.”

Retaining that confidence entails implementation of an ingenious collection of double checks that LoBuglio placed in the category of “trust but verify.” Staff members verify the accuracy of clients’ reported work hours and travel times, comparing work schedules with pay stubs. On the day of my visit, one resident was on room restriction because he had returned from a grocery trip with items not listed on the receipt. “You will have the chance to explain your story,” LoBuglio assured the worried-sounding client begging for clemency. “And yes, you can still come to meals while on room restriction.”

The center actively involves family members, clergy, and other sponsors in each client’s plan, offering incentives for sponsors who attend six evening seminars on how to assist with an inmate’s community reentry. One common incentive is a pass permitting the client to visit the sponsor for periods of 8–40 hours. Basic health care, education, and treatment programs are offered on site; other support services, such as drug and alcohol treatment, are available in the community.

My question about “NIMBY” (“not in my backyard”) and other community concerns got an unusual answer. When the center opened, the surrounding area was light industrial; now it is shifting to residential—despite the pre-release center’s presence. LoBuglio acknowledged that his agency could do more in public relations; its community advisory committee, cochaired by a former prosecutor and a psychology professor, had just discussed additional outreach ideas at its last meeting. But, he observed, “The greatest thing we do is to be transparent. Guests are welcome here any time. Church social concern committees come to visit, and we are an honest broker in our connections with faith-based organizations and community groups, many of which provide us with volunteers.”

Along with the minimum-security entrance, my two most surprising observations were the residents’ calm, respectful behavior and the staff’s high energy level. Clients, especially the one honing his résumé in the center’s amply equipped computer room, seemed grateful for the staff’s support and hopeful about their futures. Staff members, most of whom have a master’s degree, showed no sign of the defeatism that pervades much of the corrections community; on the contrary, they exhibited an enthusiasm born of the experience of seeing changed lives and the expectation that they will see more. “We have long hours and are on call a lot,” said Chris Johnson, manager of Unit 3, “but people want to work here. This job is more than a paycheck.”

To those who wonder if Montgomery County treats lawbreakers too generously, LoBuglio has one impregnable argument: cost savings. The center is well staffed, but it still costs less than imprisonment. Residents earned $1.9 million in employment income during 2008 and returned more than one-third of this amount in taxes and program fees. Of the 452 clients discharged from the center in 2008, 80 percent had a job when they left.

The Montgomery County Pre-Release Center demonstrates that it is possible to run a successful, large-scale community corrections program for offenders who, in other jurisdictions, would still be behind bars.
Unfortunately, the Philadelphia and Allegheny county jails lack space to receive state prisoners preparing for release, but Gnall is initiating transition efforts that would place state inmates in the Berks, Franklin, and York county jails.

Gnall said that existing Pennsylvania law provides adequate flexibility to implement rehabilitation options for state offenders; she only wishes the options were used more fully. For example, the Department of Corrections encourages the use of “state intermediate punishment” (SIP), a 24-month rehabilitative sentence without parole that includes time in a therapeutic community, outpatient treatment, and supervised community reintegration. Despite the guaranteed length of the sentence, Gnall says that many in the criminal justice system still equate sentencing to treatment with being soft on crime.

“It is incumbent on our correctional system,” Gnall stated, “to make inmates more likely to succeed when they leave prison than when they came in—to do no harm and at least try to do some good.” She also emphasizes the essential role of social service agencies, mentors, and faith communities in enabling offenders to reenter their communities successfully. Gnall encourages anyone interested in offering such support to contact Mary Finck of the department’s Bureau of Treatment Services at mfinck@state.pa.us or 717-730-2712.

Reentry investment in Jacksonville

The days immediately after release from confinement are the most crucial period in a successful reentry trajectory. Will the inmate return to a forgiving family or be kicked out onto the street? Will he or she find sustainable community support or slip back into toxic relationships? Will he or she make employment connections or feel he or she must resort to crime in order to eat? At the county level, offender reentry efforts are frequently limited by a lack of resources and because no one is directly responsible for improving reentry outcomes. The Jacksonville (Fla.) Re-entry Center has addressed both of these limitations in a big way.

The center, established in 2005 and overseen by the county sheriff, was initially an information and referral source for ex-offenders. A major citywide task force, formed in response to disturbing levels of urban violence, recommended greater investment in reentry; Jacksonville’s mayor allocated $600,000 in start-up funds. Catherine Chadeayne, the center’s coordinator, now has a staff of seven resource specialists, working in a new building proudly constructed by inmate labor.

Chadeayne said that the center has eliminated frustrations for those leaving jail by consolidating numerous services, from bus tokens to health care, at one location. Probation and parole officers also are on site. The center also provides up to 60 days of decent housing for inmates who have nowhere to stay upon release.

Opening up employment opportunities has been a major priority. A survey of major local employers found that 56 percent had hired ex-offenders and that more would be willing to do so if they knew the employee was receiving job preparation and case management support. In addition to partnering with a community job training organization, the reentry center maintains an advisory group of local employers who have committed to educating other business leaders on the benefits of hiring ex-offenders. Because of case management, “employers know who they are getting and the support system around them,” Chadeayne explained, “which is actually better than hiring off the street.” Jacksonville’s city council backed the effort by requiring all recipients of city contracts worth $200,000 or more to offer employment opportunities to ex-offenders. And a dermatology center is giving free treatment to ex-offenders whose tattoos might hurt their employment chances.

The Florida Department of Corrections has agreed to place state prisoners at a facility near Jacksonville if they intend to return to that city upon release. Reentry center staff members visit these nearby institutions twice a week to build relationships and identify needs prior to reentry. In addition, violent offenders attend a session with presentations by the law enforcement and social service communities, families of crime victims, and former inmates now succeeding in society.

According to Chadeayne, a “zero-tolerance mentality” regarding technical violations of parole has posed a challenge at times. She described one case in which a probation officer sought to reincarcerate an ex-offender in recovery who had become frightened and bolted away from a traffic stop. “He went through nine months of drug treatment, has reunited with his family, and is a big success story,” she said, “but without someone advocating for him, he would have been back in prison for eight years.”

Client outcome statistics are not yet available, but the Jacksonville Re-Entry center is serving nearly 2,000 former inmates per year.
5. PENNSYLVANIA COUNTY-LEVEL EFFORTS

Jail overcrowding had become such a pressing concern in Pennsylvania by 2001 that the County Commissioners Association of Pennsylvania (CCAP) assembled a task force on the topic.

CCAP retained Alan Harland of Temple University to conduct a two-part study. The first phase documented the extent of overcrowding; the second examined options for reducing the problem. Among the study’s findings are the following:

- Most counties were carrying out little or no strategic planning around the issue of jail population control.
- Data reports essential to support jail population control activity were frequently lacking. For example, most counties neither routinely reported nor could readily generate data about basic inmate counts, admission rates, or average length of stay, nor did they have data on recidivism rates or parole violations.
- Both at the policy level and in individual case processing, county staff members showed “remarkable tolerance for information-deficient decision-making.”

To encourage implementation of the study’s findings, CCAP established a best practices award program to honor counties that attempt to reduce overcrowding in ways other than building more jail cells. The first group of award winners, named in March 2009, included Lancaster County, which has brought more than 50 groups together as part of a coordinated reentry management organization; Lycoming County, which has implemented myriad programs including drug, DUI, and mental health courts as well as a pre-release program that allows offenders to work and receive social services in a minimum security residential setting; and Butler County (described below).

CCAP Deputy Director Brinda Penyak said that the most promising programs involve strong collaboration among jail wardens, law enforcement, judges, prosecutors, and community groups. She encourages staff and policymakers to become familiar with innovative activities and to learn from Pennsylvania Commission on Crime and Delinquency staff and Criminal Justice Advisory Board members who have supported these efforts.

Allegheny County has energetically pursued rehabilitation of its inmates by creating the Allegheny County Jail Collaborative composed of the jail warden, the county’s Department of Human Services and Department of Health, and about two dozen nonprofit agencies. The collaborative arranges for the delivery of human services to inmates, such as drug and alcohol treatment, GED preparation, parenting skills, and vocational training. It also arranges for presentations by human services and probation representatives to inmates nearing their release dates.

Services are offered to inmates upon admission to the jail, and 46 percent of them request at least one service.

The University of Pittsburgh School of Social Work released a cost-benefit study of the Jail Collaborative in 2008, finding that inmates who received services were only half as likely to commit new crimes in the next 12 months as those who did not (16 to 33 percent). The study estimated the Jail Collaborative’s benefit-cost ratio to be an impressive 6:1.

The Institute of Politics made arrangements for Allegheny County program experts to present their experiences in three other counties during 2008. The Institute asked representatives of those counties to share their experiences in seeking new ways to rehabilitate offenders and decrease their jail populations.

Butler County opened a new jail in July 2009 with a capacity of 512, replacing a facility originally built for 45 inmates but sometimes crammed with as many as 140. The county had been contracting with other jails to house the remainder of its inmate population of up to 300. Projections suggest continued growth, but county staff hope the new jail will never be full. “We can’t afford to house 512 inmates,” said Doug Ritson, the county’s director of community correction. “If we try everything [and they continue to commit crimes], then we can send them to state prison. But while they are in Butler County, we owe them, their families, and their community an attempt to rehabilitate them.”

Open-minded thinking by Ritson, jail Warden Rich Gigliotti, and President Judge Thomas Doerr has resulted in a variety of new initiatives. On the diversionary front, the county has established a drop-off point where police take persons apprehended due to mental health issues as an alternative to incarceration. With foundation funding, a recovery center for people with mental health disorders has been reopened. In addition, the new prison will have two case managers on staff to assist inmates with mental health problems.

Butler County’s reentry committee, chaired by Judge Timothy McCune, has established 13 subcommittees to address specific offender reintegrations concerns such as housing, employment, and mentoring. He is ensuring that the county probation agency develops parole plans and provides “aftercare” for released offenders. Three AmeriCorps members have been hired to conduct risk assessments on each inmate, giving probation officers more free time to interact with inmates and work on reentry skills.

Offenders who have been released or are on probation can access at no cost a life skills program, created in conjunction with Butler County Community College, to help them complete their GED or carry out their job search.

“Offenders are willing to do things to get on track but often don’t understand the means,” Ritson stated. “So simple things like showing them a map or giving them a contact person, rather
than telling them to figure it out themselves and see us next month, give them an opportunity to succeed."

Butler County asked Slippery Rock University’s Katherine Hardesty to revise the booklet she wrote for family members of state prisoners so that it could be distributed to families of county inmates. The First United Methodist Church of Butler has taken on the role of ensuring that families of inmates have their basic and school-related needs met.

About 60 nonviolent offenders participate in work release at jobs they held previously or where the jail has ongoing relationships with employers; others work on beautification projects as a community service activity.

Ritson explained that technical violations of parole are addressed by an administrative hearing officer rather than in court. “We work with [ex-offenders] more than in the past,” he said. “It used to be that if you were caught with drugs, you were back in jail until the judge said otherwise. Now we take a proactive approach to get them into treatment and try two or three times before we send them back.”

Staffing and funding are the major obstacles to the implementation of successful reentry programming. Butler County hired 33 new corrections officers in June 2009 and is pursuing a competitive federal grant to hire two reentry coordinators and additional probation officers to assist with caseload supervision.

York County has one of the state’s oldest drug courts, dating back to 1997. It has piloted a DUI court and is seeking funds to support full implementation. Other specialty courts serve mental health cases and juveniles.

April Billet-Barclay, deputy chief of parole and probation, explained that the DUI court relies on the use of SCRAM (Secure Continuous Remote Alcohol Monitor) bracelets to deter drinking. SCRAM tests the wearer’s natural perspiration every half hour and transmits data electronically, enabling detection of alcohol consumption within about two hours. Only three of York’s 21 pilot subjects have relapsed. The subjects cover the cost of alcohol monitoring as a condition of their release from jail. The Pennsylvania Department of Transportation offers grants to assist counties in establishing DUI courts.

DUI court has three significant cost items: the SCRAM bracelets, staffing, and treatment resources. Billet-Barclay says that the shortage of drug and alcohol treatment beds in York County has created referral delays of up to three months.

Independent studies have found a 9 percent recidivism rate for Chester County’s Drug Court, compared to 20 percent for a control group. Chester County’s treatment courts also have received recognition for helping to bring the county jail population under 900 for the first time in years. Lopez says that the new Mental Health Court achieved a $114,026 savings in its first year. The county’s human services department has helped by arranging prompt mental health evaluation of incoming inmates.

Jail rehabilitation starts with a review of each inmate’s needs upon entry and intensifies six weeks before eligibility for release. Two reentry officers work with offenders on their parole plans and assist them in resolving identified concerns such as housing, employment referrals, or registering for a GED program.

Chester’s Drug Court works with suspects both before trial and after conviction. Offenders who enter treatment by pretrial agreement can have their record expunged if they complete the program. Postconviction, drug offenders may be offered the option of serving just 90 days in jail, followed by a period of house arrest while treatment continues.
“We are calling homes six weeks out to see if [released inmates] can go back there,” Murphy explained. “Sometimes the answer is no. Previously, the person wouldn’t find that out until after release. Now we can start working early on plan B. Our officers say they are issuing fewer warrants for parole violations because the connections are made.”

On the employment front, Chester County has partnered with the Henkels & McCoy vocational training organization to make inmates more job-ready and to recruit the “Helping 100,” a list of 100 employers willing to hire program clients.

6. JAIL POPULATION REDUCTION INITIATIVE

Successful diversion, rehabilitation, and reentry programs all contribute to the policy goal of reducing jail populations and correctional expenditures. There are still other ways to control inmate populations without jeopardizing public safety, such as earlier parole, quicker case processing for arrestees awaiting trial, and more efficient release processing for those who have fulfilled their sentences. Strategies must vary depending on the reasons for population growth at each specific facility.

The federal Bureau of Justice Assistance and the Urban Institute launched a jail population reduction initiative this year. Allegheny County was selected as one of the first three pilot sites, along with Travis County (Austin), Texas, and Alachua County (Gainesville), Fla.

Nancy La Vigne, who is managing the program for the Urban Institute, explained its rationale: “We have a scarce resource called a jail bed. Are we using it for someone who could be better served in the community at less cost, making that bed available for someone who needs to be there, or doing something different with jail resources?” La Vigne added that, when a jail population is above design capacity, staff members cannot move people around in a way that supports reentry programming.

La Vigne said that Travis County already has achieved jail population reduction by finding ways to move cases through the justice system more quickly. A statistical analysis can quickly identify if a jail has an unusually high percentage of pretrial detainees in its population. Other possible factors are steep bail bond requirements for those awaiting trial, the absence of diversion programs such as drug court, or judges’ reluctance to refer defendants to these programs.

La Vigne emphasized conducting prompt need and risk assessments of each person arriving at the county jail. “Find out their history of substance abuse or other medication, chronic physical or mental illness, criminal history, family situation, employment background, and skills,” she said. “Remarkably, this is not happening in most jails, mainly because people say the average time served is so low. But there is certainly enough time to work with those who will be sentenced.”

As of this writing, Allegheny County and the Urban Institute are still early in their analysis. Initial findings suggest that an increased average length of stay is the largest contributor to rising jail populations and that uncertainties as to when an inmate will actually be released negatively affect reentry planning.

7. POLICY AND STRATEGY RECOMMENDATIONS

A consensus has coalesced among decision makers in favor of greater investment in offender diversion and rehabilitation, but the general public is relatively unengaged with this issue, and elected officials still fear accusations that they are soft on crime or pampering criminals. As a result, asking experts in this field for policy recommendations elicits two categories of replies: how to improve the programs and how to educate the public about their value.

Program recommendations

One recurring theme is the importance of teamwork among people who do not usually collaborate. Diversion and rehabilitation programs require judges, prosecutors, public defenders, jail staff, police, and health and human services providers to work together; the absence of any one of these parties can scuttle the effort. The Administrative Office of Pennsylvania Courts’ Karen Blackburn gave this example: “If a police officer takes someone with mental health needs to a hospital [rather than to jail] and then has to sit there for his whole shift, he is not likely to do it again.”

Researcher Nancy La Vigne of the Urban Institute called for greater involvement of inmates’ family members. “People seem to believe that those coming out of prison have no family ties or
that the family members are negative influences,” La Vigne said. “But almost all of them can cite at least one supportive family member. We need to bring family members into the planning process prior to release, get everyone on the same page, and support these family members, because they are the single biggest resource aiding successful reentry.” Where family support is not present, La Vigne recommended linking the offender with a mentor or faith-based institution.

Amy Kroll, who as director of justice-related services has helped Allegheny County to develop a comprehensive array of programs over 20 years, encouraged developers to start small. “It doesn’t take a lot of money” to begin, she said. “We started reentry with one person who could make linkages with the people coming back here. Knowing there is one liaison who will be there for you can have an incredible impact on offenders returning to their communities.”

Kroll suggested several steps for improving reentry services to state prisoners. Every released prisoner, she said, “should leave with a non-driver’s state-issued photo ID card that does not say ‘Department of Corrections.’” Kroll said that counties should ensure that each released jail inmate or returning prisoner can promptly obtain a birth certificate, social security card, and some new clothing. Stable housing, job coaching, and case management for at least three months after release are essential to their adjustment. Because of overcrowding, Kroll noted, many state inmates cannot get meaningful work experience while in prison.

Joan Petersilia of Stanford Law School called for reconstructing the mission of parole and probation agencies. “Twenty or thirty years ago, parole officers were hired from social work backgrounds,” she said; “now most come from law enforcement. They are doing what they were hired to do—track them, nail them, and jail them. If you want to change the program, you have to change the staff.” In California, Petersilia stated, parole and probation agencies have begun recruiting candidates from university departments of social work, criminal justice, and sociology.

Kathy Gnall of the Pennsylvania Department of Corrections stressed a simple but often elusive goal: fidelity to best practices. “Research has come a long way in conceptualizing good programs; making sure our staff are implementing the programs properly is still the biggest challenge,” she said. Gnall’s experience echoes that of a Washington state study of the use of family therapy in juvenile courts; the study discovered that competent therapists reduced recidivism by 30 percent but that, without competent therapists, the intervention had no positive impact.

Stefan LoBuglio of the Montgomery County, Md., Pre-Release Center, widely recognized for his work as both practitioner and researcher, recommended sentencing reform and extensive use of pretrial diversion programs among his top policy priorities. With Kathy Gnall and James Austin, LoBuglio believes it is hard to depopulate prisons through rehabilitation of those already incarcerated. He added that gaps in criminal justice research and the limited application of modern information technology in our correctional systems hamper development of sensible policy.

LoBuglio encouraged looking at county inmates’ relatively short jail stays as a plus, not a minus, in reentry planning. “Ties to job, family, and community are fresher,” he observed. “Longer time in prison may cause more harm.”

**Education and advocacy recommendations**

Nearly every advocate for offender rehabilitation programs echoes two themes: the programs save money and the people they serve are coming back to our communities whether we like it or not.

Petersilia acknowledged that giving benefits to prisoners does not make sense to some people. “You can’t make the argument easily on any basis other than cost calculation,” she said. “But cost-benefit analysis shows it is cheaper to do prevention than incarceration. If you don’t provide job training, housing, and health care for prisoners coming home, you will eventually end up paying for them anyway when they are rearrested.”

The evidence that diversion and reentry save money is especially needed as economic strains and commitments to mandated programs squeeze available funding. Said Butler County’s Doug Ritson: “We are front-loading the services in the hope of saving a boatload of money. It’s frustrating when we know what we could do but don’t have the funds to do it.”

The Jacksonville Re-Entry Center sees educating the public as part of its mission and has produced a DVD describing its work. “Our mayor and sheriff understand that reentry is public safety,” center director Catherine Chadeayne stated, “but it has not been politically correct to say we should help offenders. I tell people...
that a violent offender could be released—with or without our help—and end up sitting in the movie theater next to your child. Wouldn’t you rather have us helping that person than saying, ‘You’ve served your sentence; good-bye?’”

Petersilia sees economic pressures bringing offender rehabilitation to a crossroads. On one hand, overcrowding and the cost of new jails and prisons may encourage more reliance on alternatives to incarceration, more early releases, and less imprisonment of nonviolent offenders or technical violators of parole. On the other hand, if reentry investments are slashed, we could be returning offenders to their communities without the supports that increase the likelihood of success. “If that happens,” she warned, “we will be back to where we were 20 years ago. The good news is that there is political will at the highest level and that practitioners are aware of the need for reentry programs, but whether they can deliver on their promises in this economy remains uncertain.”

REFERENCES AND ADDITIONAL READINGS

Allegheny County Mental Health Court home page, www.county.allegheny.pa.us/dhs/mhcourt.aspx. Contains background on Mental Health Court and links to reports and media coverage of the court’s achievements.


Council of State Governments Justice Center, “Justice Reinvestment,” justicereinvestment.org. Includes information on efforts by the Council of State Governments to support offender rehabilitation activities in various states. The “Work in the States” section includes assessment of Pennsylvania’s state prison system and projections of population growth.


National Association of Drug Court Professionals home page, www.nadcp.org/nadcp-home. This site contains extensive information on the concept, history, and performance of drug courts.


