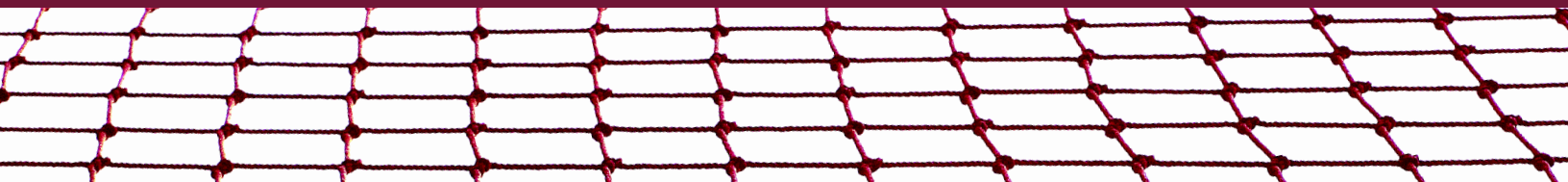# Reentry from Incarceration

Overview of the Reentry Safety Net

Incarceration affects a substantial number of individuals in the United States. **As of December 2010, U.S. prisons and jails held more than 2.2 million prisoners, representing almost 1 in every 100 adult residents.** Over 85% of these individuals are men, though women are a growing segment of the prisoner population. More than half of prisoners are parents. Incarceration particularly affects communities of color; approximately two-thirds of prisoners are people of color. In fact, the estimated lifetime chance of incarceration is 32% for African-American men and 17% for Hispanic men, compared to only 6% for the overall population. Though a common misperception is that most prisoners are violent criminals, in fact, most incarcerated individuals are nonviolent offenders, many with minor drug-related convictions or other nonviolent offenses such as DUIs or shoplifting.

About 95% of the individuals held in jails and prisons will eventually be released back into the community. In 2009, more than 725,000 individuals were released from state and federal prisons and approximately 9 million individuals were released from jails. For many of these ex-offenders, the process of reentry to the community is extremely challenging.

At the point of reentry, individuals typically have multiple immediate safety net needs. Housing is often the most pressing with employment and other income support following closely behind. In addition, many ex-offenders have serious physical and mental health issues that require ongoing care, as the prevalence of chronic illness, communicable diseases, and serious mental illness is far higher among the incarcerated than in the general population. Substance abuse treatment services are also vital, as nearly 75% of former prisoners have histories of drug and/or alcohol abuse.

Addressing these urgent needs, however, is particularly challenging because **ex-offenders face multiple barriers to accessing resources, often specifically due to their status as individuals with criminal records**, known as the "collateral consequences" of criminal convictions. For example, individuals with drug convictions are often barred from residing in public housing, and private landlords also frequently refuse to rent to tenants with criminal records. Many employers ask for information about criminal convictions on job applications and will not hire individuals with criminal records. In the majority of states, individuals with drug convictions are ineligible for public benefits like SNAP (food stamps) or TANF (welfare), or are required to meet special additional conditions, such as enrolling in or completing substance abuse treatment, before they can become eligible.

Ex-offenders face more general barriers to successful reentry as well. In terms of health care, most reentering ex-offenders are adults without children (or without custody of their children), and are thus ineligible for Medicaid, presenting a barrier to accessing health, mental health, and substance abuse services (though health care coverage for childless adults should improve under federal health care reform). Wait lists for services, particularly for substance abuse treatment, are also major barriers to access. A final barrier for many reentering individuals is a basic lack of social support, educational credentials, work experience, and other personal and family resources, as many had limited job qualifications and were poorly integrated in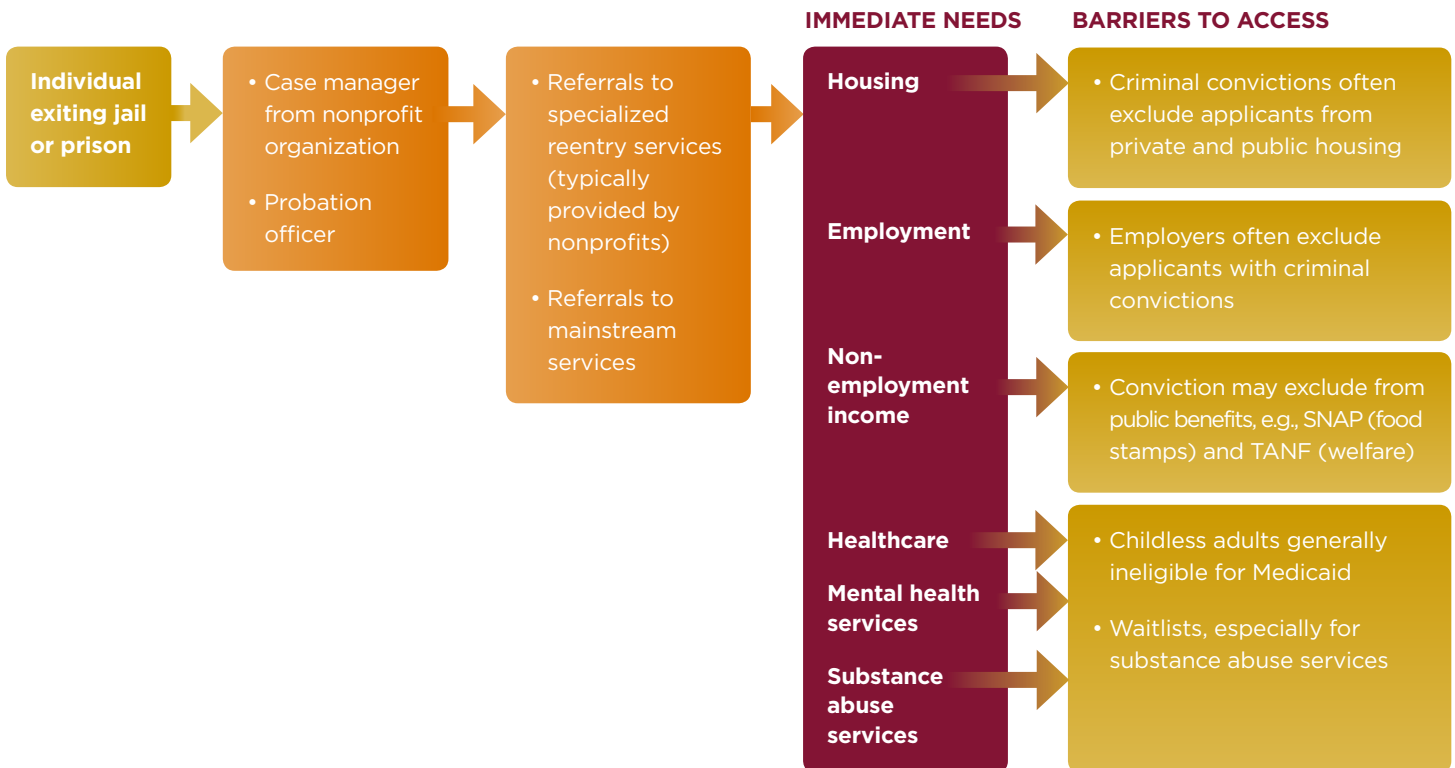to the community even before they were incarcerated. **For many ex-offenders, therefore, "entry" to the community may be a more accurate term than "reentry."**

For all of these reasons, many ex-offenders struggle to meet their immediate safety net needs when they reenter the community. Meeting these needs is critical not only for individual ex-offenders, but also for public safety in general. Ex-offenders who do not successfully reintegrate into the community are likely to commit another crime or otherwise harm themselves or others. In fact, over 40% of individuals released from state prison are re-incarcerated within three years of their release. These high recidivism rates directly contribute to the growing prison population, thus also contributing to rising government costs for incarceration. **The first 72 hours after release are a particularly critical window for successful reentry, as individuals who do not connect with needed resources during that initial period are even more likely to re-offend.**

To meet the immediate safety net needs of ex-offenders, the criminal justice system used to operate a variety of specialized programs, providing housing, employment, counseling, and other basic services for re-entering individuals. In recent years, however, this specialized government-operated system of services has been largely de-funded and dismantled, replaced by reentry services contracted out to community-based nonprofits. Thus nonprofits frequently utilize targeted government grants as well as private funding to provide case management, housing, job training, and other services specifically designed for individuals reentering the community. Many advocates for ex-offenders view the shift to community-based services as a positive development, while also calling for increased funding to support these types of services. There is also an increasing emphasis in the field of prisoner reentry on connecting ex-offenders with mainstream support services and resources, as many of their needs are not specific to their status as ex-offenders.

Case management is a critical component of reentry services, particularly because of the importance of connecting ex-offenders to resources within the first 72 hours after release and because of the many challenges ex-offenders face in accessing resources. Many individuals exiting incarceration are assigned a probation officer, who can theoretically facilitate connections to needed resources. Historically, however, probation officers have viewed their primary role to be monitoring ex-offenders for parole or probation violations. A more supportive role for probation officers is increasingly recognized as an evidence-based best practice within the criminal justice system. Currently, supportive case management is most often provided by nonprofit organizations with a specific mission of supporting the reintegration of ex-offenders.

The Ex-Offender Reentry Safety Net — *first 72 hours key window*

Individual exiting jail or prison	Case manager from nonprofit organization / Probation officer	Referrals to specialized reentry services (typically provided by nonprofits) / Referrals to mainstream services	IMMEDIATE NEEDS	BARRIERS TO ACCESS
			Housing	• Criminal convictions often exclude applicants from private and public housing
			Employment	• Employers often exclude applicants with criminal convictions
			Non-employment income	• Conviction may exclude from public benefits, e.g., SNAP (food stamps) and TANF (welfare)
			Healthcare / Mental health services	• Childless adults generally ineligible for Medicaid
			Substance abuse services	• Waitlists, especially for substance abuse services

At the federal level, there have been some recent positive policy developments related to prisoner reentry. In 2008, the Second Chance Act authorized $165M for demonstration grants, mentoring programs and research about promising practices that support successful reentry of ex-offenders. In January 2011, a new Federal Interagency Reentry Council, with representatives from 18 federal departments and agencies, was convened to facilitate cross-agency coordination to improve outcomes for reentering individuals and reduce government costs associated with incarceration. These developments signal increasing national attention to the importance of successful community reentry for both the human and financial impact on individuals and communities.

Direct Services: Emerging Needs & Promising Practices

Case management is perhaps the most important component of programs that are effective in promoting reintegration and reducing recidivism. Case management should be relationship-based, starting before release, intensifying during the immediate period after release, and continuing afterwards to ensure a successful transition back into the community. Cognitive therapy to promote more constructive problem-solving and goal setting methods can be integrated into case management as well. Shifting probation officers focus from the traditional punitive approach to more of a supportive case management role is also critical for success.

Supportive housing is an effective model for services that meets both the urgent housing need for reentering individuals and their need for individualized case management, emotional support, and other supportive services.

Employment programs that provide "rapid attachment" — moving individuals into jobs (often transitional jobs) as quickly as possible, ideally within days after release — have demonstrated effectiveness in reducing recidivism. Effective programs also incorporate individualized case management. Identifying a sufficient number of appropriate employment opportunities can be difficult in implementing these programs. Supporting job retention over the long-term is also challenging, but key for long-term prevention of recidivism.

Educational opportunities starting during incarceration help address the typically low levels of educational attainment among incarcerated individuals and build skills and qualifications that improve the chances of employment and self-sufficiency after release.

Clean-slate programs, in which judges legally remove convictions from individuals' criminal records, are a promising practice to eliminate the statutory barriers posed by a history of incarceration.

Policy and Systems Change: Issues and Opportunities

Framing the issue of criminal justice reform is important for motivating public and political support for investment in reentry, particularly because of the popular misconception that most incarcerated individuals are violent and dangerous, when in fact most are nonviolent offenders with minor convictions. Useful frames include:

- **Public safety:** Recidivism is lower, and communities are consequently safer, when reentering individuals are connected with needed services and resources and when communities have well-functioning safety nets, educational systems, and employment opportunities.

- **Financial costs:** Incarceration is expensive, so programs that reduce recidivism or safely divert offenders from incarceration are fiscally-responsible strategies to reduce unnecessary public expenditures.

- **Fairness and civil rights:** Reentering individuals have paid their dues to society and deserve to have their full rights as citizens restored. Racial inequity is another fairness lens that can be applied, as minorities experience dramatically disproportionate incarceration rates.

- **Acknowledging the punishment role of the criminal justice system:** For much of the public, the key function of the criminal justice system is not rehabilitation but rather punishment. This standpoint can make it challenging to gain traction with arguments based on fairness or civil rights, suggesting the value of framing the issue in terms of public safety or fiscal savings.

Ban-the-box campaigns involve advocating for local governments and employers to eliminate the practice of requesting information about prior convictions that are unrelated to specific employment requirements on applications for jobs, housing, and services. These campaigns have been successful in removing unnecessary discriminatory barriers to employment and access to other services.

Shifting reentering individuals into mainstream safety net services – for instance, having mainstream shelter or housing nonprofits provide supportive housing for the reentry population as part of their overall programming – may eliminate unnecessary program and funding silos, facilitating expanded financial support for reentry services as well as reduced public resistance and NIMBYism toward programs serving the reentry population. Implementing this shift, however, requires system-wide change, as ex-offenders have typically been served through specialized programs, and mainstream service providers have historically excluded ex-offenders from many programs. Specialized programs specifically targeting the reentry population will also continue to be valuable, particularly for case management services; as such programs are likely to be better prepared to address the unique statutory and discriminatory barriers faced by the reentry population.

Developing the capacity of local systems for planning, coordination, and management is critical, particularly in the current political context of increasing devolution, because reentry policies and programs largely operate at the county or city level. Both commitment from local leaders and sufficient planning resources are needed for effective local systems development.

- **Reentry councils** at the local level can provide a forum for bringing together diverse stakeholders, including formerly incarcerated individuals and their families, for strategic planning and system change efforts.
- **Capacity-building for community-based service providers** is often needed to build the infrastructure required to expand reentry services, and to enable community-based stakeholders to participate in systems change discussions and actions.
- **Investing in coordination and service integration planning** is particularly important for creating linkages with mainstream service providers and developing robust local systems to support reentering individuals.

Supporting adequate government funding of specialized and mainstream services serving the reentry population continues to be critical, as even the most comprehensive local systems do not have sufficient capacity to meet the needs of local reentry populations. Budget cuts to mainstream services needed by reentering individuals, particularly mental health and substance abuse services, also create major challenges for the implementation of effective reentry systems.

Catalyzing the opportunity presented by the legally-mandated reform of California's state prison system to achieve needed larger system changes. The recent Supreme Court decision mandating the release of thousands of individuals detained in California's state prisons represents a key opportunity for system reform, with the engagement of a broad set of stakeholders and unusual access to financial resources and political will. The response to the Court mandate is diverting low-risk offenders out of state prisons and into the county jail system and shifting most parole responsibilities to the local level, which creates an opportunity to build local capacity for effective, integrated, community-based systems for reentering ex-offenders. Investment in the planning and building of this local capacity is critical to ensure that realignment results in positive system change, and not just overcrowded local jails.

Information Resources

National Reentry Resource Center: A comprehensive online clearinghouse for reentry facts, resources, and promising practices, created through the Second Chance Act. **http://www.nationalreentryresourcecenter.org**

Justice Policy Institute: A Washington, DC-based think tank focused on criminal justice reform, including reducing collateral consequences of incarceration. **http://www.justicepolicy.org**

NAACP: The Criminal Justice program of the NAACP (National Association for the Advancement of Colored People) focuses on criminal justice reform, including removing reentry barriers, motivated by the overrepresentation of African Americans within the criminal justice system. **http://www.naacp.org/pages/criminal-justice-about**

All of Us or None: A national grassroots organizing initiative of prisoners, former prisoners, and felons, focused on eliminating discrimination based on felony convictions. **http://www.allofusornone.org/**

Open Society Institute: The Criminal Justice program of this national foundation focuses on reducing incarceration, eliminating racial disparities, and reforming the criminal justice system. **http://www.soros.org/initiatives/usprograms/focus/justice/about**

Rosenberg Foundation: The Justice and Public Safety portfolio of this foundation focuses on reform of the criminal justice system in California, including increasing opportunities for reentering ex-offenders. **http://www.rosenbergfound.org/grants/justice-and-public-safety**