Making People's Transition from Prison and Jail to the Community Safe and Successful

A Snapshot of National Progress in Reentry

June 2017

Looking back

One of the most significant developments in criminal justice policy over the past 15 years has been a fundamental shift in thinking about the primary purpose of prisons and jails. Not long ago, elected officials saw the principal responsibility of corrections administrators as providing for the care, custody, and control of people who are incarcerated. Today, there is widespread agreement that government has a responsibility to ensure that when people are released to the community from jail or prison, they are less likely to reoffend than they were at the start of their sentence.

Although no single event is associated with this change in philosophy, a key milestone stands out. Late in 2004, Congress set to work on the Second Chance Act, which the House and Senate later passed with overwhelming bipartisan support. Elected officials in the nation's capital had made clear that ensuring people's safe and successful transition from prison and jail to the community wasn't a partisan issue, but simply good, smart policy—because anything short of that objective compromises public safety, wastes taxpayer dollars, and undermines the well-being and stability of communities.

A decade since the passage of the Second Chance Act, it is time to consider a critical question: Have local, state, and federal efforts to improve reentry outcomes for people under correctional supervision yielded sufficient results?

This brief highlights five ways in which state and local governments' approaches to reentry and recidivism reduction are fundamentally different today than they were a decade and a half ago.

The Second Chance Act

In April 2008, Congress passed the Second Chance Act, first-of-its-kind legislation enacted with bipartisan support and backed by a broad spectrum of leaders in law enforcement, corrections, courts, behavioral health, and other areas. The Second Chance Act established the National Reentry Resource Center and represents a federal investment of more than $540 million to date in strategies to reduce recidivism and increase public safety, as well as to reduce corrections costs for state and local governments.

Since 2009, nearly 800 Second Chance Act grant awards have been made to state, local, and tribal government agencies and nonprofit organizations from 49 states that provide reentry services to adults and juveniles. As of June 2015, more than 137,000 people returning to their community after incarceration have participated in these programs. Grantees provide vital services—including employment training and assistance, substance use treatment, education, housing, family programming, mentoring, victims support, and other services—to make a person's transition from prison or jail safer and more successful. The grants also support the improvement of corrections and supervision practices that aim to reduce recidivism, and incentivize jurisdictions and organizations to incorporate the latest research into their everyday practices. The Second Chance Act's grant programs are funded and administered by the U.S. Department of Justice's Office of Justice Programs.

The complexity of measuring recidivism

A logical approach to evaluating national efforts to improve outcomes for people under correctional supervision would be to assess changes in recidivism rates. But tracking and analyzing changes in national recidivism rates is a unique challenge for a host of reasons. First, there is no monolithic, nationwide corrections system. There are 50 different state corrections systems, more than 3,000 independent systems at the county level, and parole and probation agencies that are administered differently in each state.

Second, while most states routinely measure recidivism for people released from state prison,[1] fewer than one in three states track recidivism for the 3.7 million people on probation who represent the vast majority of the nearly 4.6 million people under correctional supervision in the U.S., and very few counties track recidivism for the millions of people released from local jails each year. For these reasons, recidivism data doesn't exist for the majority of people under correctional supervision.

In addition to the lack of consistency in tracking recidivism from one jurisdiction or population to the next, the definition of recidivism—whether it's rearrest, reconviction, or reincarceration—and the methodologies used to calculate it also vary from state to state and at the local level. So even when recidivism data is available, it is extremely difficult to accurately synthesize across states and counties in the U.S. and compare trends from one jurisdiction to another.[2]

Finally, most recidivism studies reflect outcomes for a three- to five-year period after someone's release from prison or jail or from the start of a person's probation sentence.[3] As a result, a recidivism study reports on the behavior of people who recidivated (i.e., were rearrested, reconvicted, or reincarcerated) up to five years earlier, and as such, doesn't show the impact of more recent systemic efforts to reduce recidivism. In addition to the challenges inherent in the lengthy timeframes that this analysis requires, national studies make it impossible to distinguish trends within particular jurisdictions[4]—nor have those studies shown a reduction in recidivism.

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Improving reentry and reducing recidivism are central to the missions of local, state, and federal agencies focused on public safety.

As recently as a decade ago, the general sentiment among elected officials and people working in the criminal justice system was that high rates of recidivism among people released from prison and jail were inevitable, and the primary purpose of probation and parole supervision was surveillance, which largely served as a vehicle to incarcerate or reincarcerate people when they reoffended. Today, corrections agencies around the country are engaged in efforts to reduce the likelihood that someone will reoffend.
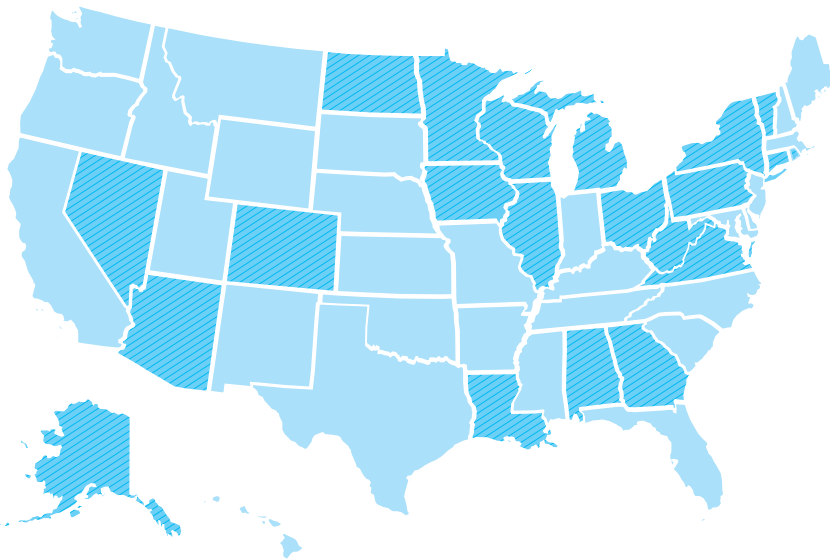
Since 2012, more than 20 governors have committed to comprehensive policy and practice improvements to achieve statewide reductions in recidivism through initiatives that are supported by Second Chance Act Statewide Adult Recidivism Reduction (SRR) grants.

"**The potential for eventual success of offenders to transition from a cycle of criminal behavior to becoming and remaining successful parents, spouses, and citizens has never been greater.**"

Sheriff Scott Jones, Sacramento County, California

In 2016 and 2017, nearly half of U.S. governors cited reentry and reducing recidivism as ongoing efforts or future priorities in State of the State addresses.

Robert Bentley, Alabama
Bill Walker, Alaska
Doug Ducey, Arizona
Asa Hutchinson, Arkansas
Dannel Malloy, Connecticut
John Carney, Delaware
Nathan Deal, Georgia
Bruce Rauner, Illinois
Terry Branstad, Iowa
John Bel Edwards, Louisiana
Larry Hogan, Maryland
Rick Snyder, Michigan
Eric Greitens, Missouri
Pete Ricketts, Nebraska
Maggie Hassan, New Hampshire
Chris Christie, New Jersey
Mary Fallin, Oklahoma
Dennis Daugaard, South Dakota
Bill Haslam, Tennessee
Terry McAuliffe, Virginia

A remarkably diverse set of constituencies outside of the justice system embraces the goal of helping people who are returning to their communities after incarceration succeed.

Not long ago, community-based mental health care providers generally viewed a person with a mental illness booked into jail as someone else's responsibility. State children's services agencies did not know when a child's parent was incarcerated. Workforce development agencies did not consider the unique challenges an unemployed person with a criminal record faced in trying to join the workforce.

Today, it is common for leaders, managers, and front-line staff in government agencies—such as those focused on health and veterans' services, education, and housing—to recognize the stake they have in supporting people under correctional supervision. Similarly, organizations outside of government, such as businesses and faith-based groups, have become increasingly outspoken about the obstacles that people released from prison and jail face.

Employers—including Best Buy, CVS Health, Facebook, Gap, Greyston Bakery, The Hershey Company, the Johns Hopkins Health System, Koch Industries, Lyft, PepsiCo, Starbucks, Target, and Uber—are increasingly promoting hiring people with criminal records as a sensible business practice. And since 2015, with assistance from the National Reentry Resource Center, 35 business engagement events have been held in cities across 23 states to bring business owners, policymakers, workforce development professionals, and community members together to explore ways to reduce barriers to employment for people with criminal records.

As of 2017, there were more than 300 Veterans Treatment Courts throughout the country to enable the specific needs of veterans to be considered in release and sentencing decisions.[5] Outreach specialists from the Department of Veterans Affairs' (VA) Veterans Justice Outreach Program, which connects veterans in the justice system with VA and other community services, participate in more than 93 percent of Veterans Treatment Court sessions throughout the country.[6]

In June 2016, 67 colleges and universities in 27 states were selected from more than 200 applicants to participate in the Second Chance Pell Pilot Program, which enables more than 12,000 eligible people in more than 100 federal and state correctional institutions to receive college-level instruction.

THE STEPPING UP INITIATIVE

There is a growing number of counties—such as Hennepin County, Minnesota, Mecklenberg County, North Carolina, and San Mateo County, California—where local agencies responsible for behavioral health services review local jail admissions to determine whether people entering the jail have a history of receiving behavioral health services. And since spring 2015, 365 counties—representing more than a third of the U.S. population—have joined the *Stepping Up* initiative to help reduce the number of people with mental illnesses booked into jail, reduce the length of time they spend in jail, increase their connections to treatment, and reduce recidivism.

State legislators from across the political spectrum are enacting laws to make it easier for people released from prison and jail to reintegrate into the community. To date, at least 15 states have policies in place to help people obtain state-issued identification after release from prison. Twenty-seven states and more than 150 cities and counties have adopted "ban the box" policies so that people with criminal records are not unnecessarily excluded from the workplace.[7]

The science on what works to reduce recidivism has advanced considerably over the last 20 years.

A corrections employee charged with preparing someone for his or her release was previously expected to connect that person to whatever scarce program slots—in prison industries, drug treatment, etc.—might be available in the facility. Case managers working with someone after their release from incarceration saw their role as being a broker to limited services and supports offered in the community. Everyone placed under parole or probation supervision received the same type of supervision.

Since then, a rich body of research on what works to reduce recidivism has emerged—which, in hindsight, seems fairly intuitive. Now, it is commonly understood that each person released from prison has distinct criminogenic risk and needs. The mere existence of a program does not mean that it will benefit a person under correctional supervision, particularly when it does not correspond to his or her unique risk and needs. And even when a person needs a particular type of service, such as drug treatment, that service must be delivered according to the program model or it is unlikely to have any impact on a person's behavior. Perhaps most importantly, research has shown that changing the behavior of a person with a medium to high risk of reoffending does not happen through the delivery of a single program or service, or a specific approach to supervision, but rather through a combination of supervision and service strategies that are tailored to the individual risk and needs of that person.

Extensive research issued over the last decade has found that the risk of recidivism, as well as needs related to mental health and substance use treatment, housing, employment, and education, among others, vary significantly from person to person. Data shows that treatment, programming, and supervision resources must be deployed in ways that account for a person's specific risk and needs, and that any approach that focuses only on supervision or only on services will have a negligible impact on recidivism.[8]

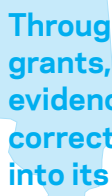**Research and fiscal cost-benefit analyses** have shown that punishment alone is not effective in changing behavior, but should be accompanied by evidence-based programming and treatment both before and after release for the greatest impact. And to be most effective at reducing recidivism, programming and treatment should focus on changing criminal thinking, increasing prosocial relationships and activities, treating substance use disorders, and ensuring a stable living environment.[9]

Effective supervision strategies include reinforcing positive behavior, promptly administering interventions or rewards for behavior, and establishing clear processes for the courts or officers to respond to both negative and positive behavior.[10]

A RAND Corporation study funded by a Second Chance Act grant found that people who participated in correctional education programs were 43 percent less likely to reoffend and 13 percent more likely to secure employment than those who did not participate in these programs.[11]

Many state and local governments and their community-based partners are applying the latest research to policy, programming, and practice decisions.

Not long ago, policymakers who promoted the latest research about what works to reduce recidivism often encountered management teams and line staff who were disinclined to abandon decades of experience and make supervision and programming decisions in a different way. Elected officials and system administrators who sought comprehensive recidivism numbers found that this data often did not exist—and when it did exist, the information was dated or accounted only for part of the population under correctional supervision. A significant gap still exists between recidivism-reduction science and routine policy and procedure. But states and localities are increasingly translating current recidivism-reduction research into practice.

Through their SRR grants, Illinois integrated evidence-based core correctional practices into its correctional training academy curriculum, and the Iowa Department of Corrections began extensive staff training in conducting risk and needs assessments properly—which has resulted in a 90-percent increase in staff proficiency.[12]

More and more, state and local governments are structuring contracts to make clear that providers are being paid not simply to deliver services but to improve outcomes.[13]

## 22%
of states track rearrest

30%
of states track reconviction

States are improving their capacity to measure recidivism. Eleven states monitor rearrest rates and 15 states monitor reconviction rates for people released from prison—in addition to tracking reincarceration rates for people released from prison.[14]

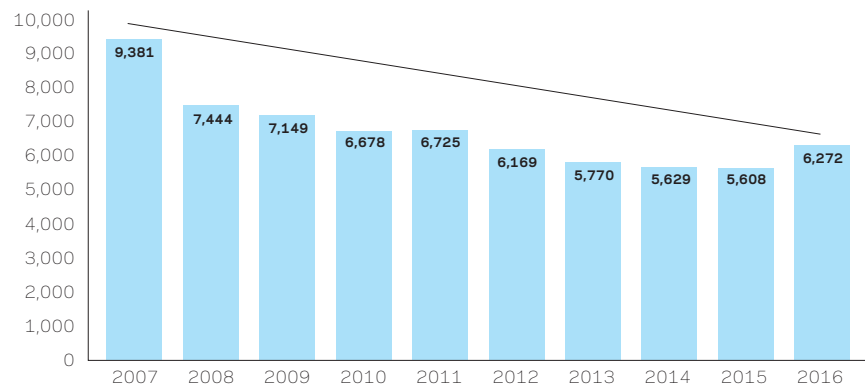States that passed legislation related to evidence-based practices
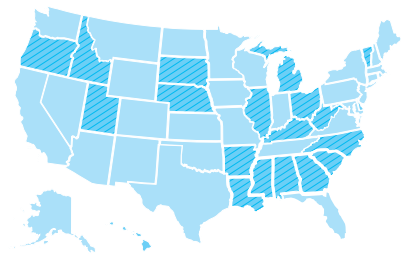
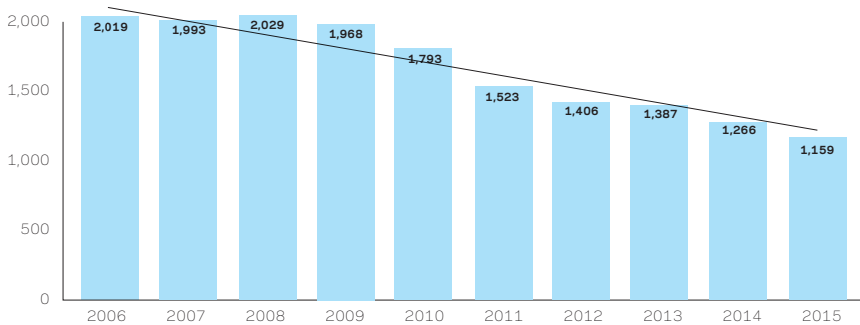States that passed legislation related to risk and needs assessments
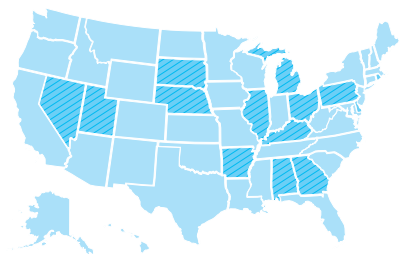
Between 2007 and 2015, at least 20 states enacted legislation that emphasizes—or in some cases mandates—the use of risk and needs assessments, and at least 14 states passed reforms that require or support the implementation of correctional evidence-based practices.[15]

State and local governments' efforts to apply the latest science are producing results.
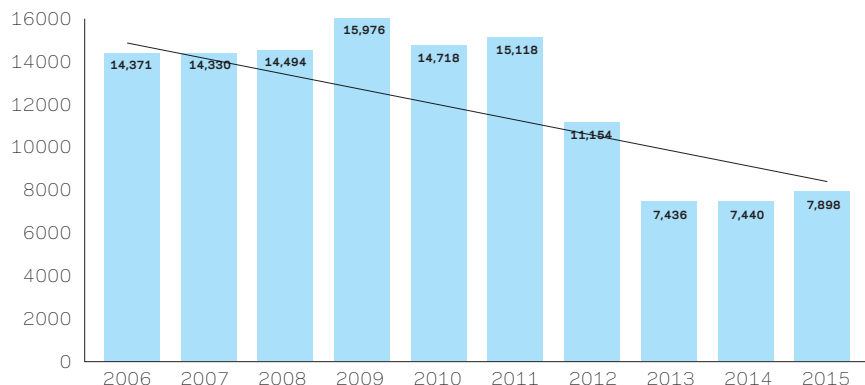
As state and local governments progress in their commitment to recidivism reduction and hone their approaches to improving reentry outcomes, they are beginning to see measurable improvements in recidivism rates. *Reducing Recidivism: States Deliver Results*, a brief released by The Council of State Governments Justice Center in June 2017, profiles seven states that have seen success across various recidivism measures: rearrest, reconviction, reincarceration, and revocation. Using the most up-to-date data from Arizona, Colorado, Georgia, Michigan, North Carolina, South Carolina, and Texas, the brief features data on people under community supervision for a more comprehensive picture of recidivism. Below are highlights from the brief.[16]

Year	Value
2007	9,381
2008	7,444
2009	7,149
2010	6,678
2011	6,725
2012	6,169
2013	5,770
2014	5,629
2015	5,608
2016	6,272

In Texas, the number of people revoked to prison from parole declined 33 percent.[17]

Year	Value
2006	2,019
2007	1,993
2008	2,029
2009	1,968
2010	1,793
2011	1,523
2012	1,406
2013	1,387
2014	1,266
2015	1,159

The number of people returning to Michigan prisons from parole with new convictions dropped 43 percent.[18]

Year	Value
2006	14,371
2007	14,330
2008	14,494
2009	15,976
2010	14,718
2011	15,118
2012	11,154
2013	7,436
2014	7,440
2015	7,898

The number of people admitted to North Carolina prisons for probation revocations declined 42 percent.[19]

Looking ahead

Despite the encouraging progress described here, the field is still very far from realizing the goal of ensuring that people's transition from prison or jail to the community is safe and successful. Like other ambitious goals that local, state, and federal leaders embraced long before setting their sights on reducing recidivism—such as reducing teenage pregnancy or improving high school graduation rates—unqualified success will require decades of work.

"Moonshot" efforts such as these are dependent on the work of thousands of local, state, and federal agencies and their community-based partners, and typically result in pockets of success in different places across the country, incremental gains nationally, and lots of trial and error that we can appreciate only in hindsight. As everyone committed to ensuring safe and successful reentry recognizes, accepting current rates of failure is simply not an option.

Realizing a true transformation of large, complicated, independent systems will require significant, ongoing efforts to:

Align state and local policy with what research demonstrates is effective in reducing recidivism

Elected officials and system administrators should push state and local agencies and private service providers to adopt evidence-based practices—such as the use of risk and needs assessments to inform decisions about who receives what programming, services, and supervision. There are existing laws and policies that require people to participate in programs or receive supervision based on the nature of their offense or due to technical factors such as fines and fees that are owed, regardless of whether they need programming or supervision to prevent reoffending. State and local leaders should identify and revise these existing laws and policies that impede efforts to ground everyday practice in the latest science.

Develop a workforce that understands, embraces, and applies the latest research

Providing a policy framework for research-driven practice does not, in and of itself, change the approach that hundreds of thousands of people working for corrections, supervision agencies, and service and treatment providers take to their jobs. Engaging, motivating, and enhancing the skills and quality of this workforce requires a concerted, long-term effort. Although much work has been done to develop and deliver curricula to new and existing staff, typically only a fraction of the professionals who would benefit from this training actually receive it. And as important as 20 or even 40 hours of training are, that step is insufficient to fundamentally change the mindset of the workforce. Top brass and mid-level managers must commit themselves to overhauling the culture of the organization, which includes steps such as streamlining and automating processes, modifying the approach to personnel reviews and evaluations, and holding accountable those managers who do not embrace and promote these changes.

Improve state and local governments' capacity to collect and analyze data

To understand whether changes in policy and practice are having their intended impact, elected and appointed officials need recidivism data. Reincarceration data is insufficient. Reconviction and rearrest data, which can be sorted by a person's risk level, and which is maintained for one-, two-, or three-year follow-up periods, is essential to track outcomes effectively from one year to the next and even month to month. There needs to be a baseline against which to measure progress.

Monitor and assure quality of programs and services

It is not uncommon for a state or local government agency or a community-based service provider to commit itself to an evidence-based policy or practice only to see little, if any, impact on recidivism. A key reason for these discouraging results is the way in which the research was applied or translated into practice. Effective quality assurance includes strategies such as testing how well risk and needs assessments are conducted, observing the types of interactions staff are having with people under their supervision, and assessing how well programs are being delivered. This type of quality assurance helps system administrators root out vestiges of practices and programs that research has made clear do not work. It also informs system administrators where gaps in services, skills, training, and policy remain.

Increase investment in effective programs, services, and supervision

When a probation or parole officer's caseload is impossibly high, it is unrealistic to expect that officer to find the time to provide the type of support and supervision necessary to help a person who is at a medium or high risk of offending change his or her behaviors. Similarly, a person battling mental illness or addiction is unlikely to get on a path to recovery if he or she does not have access to needed treatment. As long as the resources available are insufficient to meet existing levels of demand, reductions in recidivism will fall short of what is possible.

Develop additional knowledge

Although the research today about "what works" to reduce recidivism is undeniably more robust than it was 15 years ago, there is still much that remains unknown. For example, it remains unclear what intensity and duration of programming and services is necessary to maximize a person's likelihood of changing criminal thinking and behaviors. Similarly, recognizing that a person's risk and needs are often multifaceted, program and practice models have yet to be evaluated rigorously to demonstrate what it looks like when the right combination of community supervision, drug treatment, mental health, and housing services are integrated for someone who has both high risk and high needs. And most would agree that it is valuable for a person with a medium or high risk of reoffending to have a positive relationship with a mentor who encourages that person to engage in treatment and supervision. But research has yet to emerge that proves what makes a mentor effective in improving someone's success in reentry.

Bipartisan support from the federal government was a critical factor in galvanizing the field in these efforts in the first place, and it will be key to maintaining the momentum that has been achieved to date. The states, counties, cities, towns, and even neighborhoods across the country will continue to be the laboratories to test new approaches and replicate successful policies and practices.

Endnotes

1. State measures of recidivism are overwhelmingly limited to reincarceration.

2. As a case in point, in its 2011 "State of Recidivism" report on recidivism rates in all 50 states, The Pew Charitable Trusts' Public Safety Performance Project cautions that the value in the report is examining changes within each state, not comparing states' recidivism rates: "Readers are advised to focus on differences within states over time, and to probe for reasons why one state's recidivism rate might be higher than its neighbor's rather than to make judgments about the performance of its corrections agencies based on this single indicator," the report says.

3. The Bureau of Justice Statistics periodically issues national recidivism studies—the most recent were published in 2002 and 2014—but the timeliness of these studies and the national sampling necessary to calculate the results limits the extent to which these reports can be used to assess the impact of local, state, and federal efforts to reduce recidivism. See Matthew R. Durose, Alexia D. Cooper, and Howard N. Snyder, *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010* (Washington, DC: Bureau of Justice Statistics, 2014); and Patrick A. Langan and David J. Levin, *Recidivism of Prisoners Released in 1994* (Washington, DC: Bureau of Justice Statistics, 2002).

4. Due to their size, what happens in states such as California and Texas, for example, could easily skew recidivism trends nationally, obscuring important trends within other states or counties. See also Durose et al., *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010,* and Langan and Levin, *Recidivism of Prisoners Released in 1994.*

5. Scott Swain, interview by Jay Price, "Hundreds of Veterans Courts See Success but More Are Needed," *Morning Edition*, NPR, January 3, 2017, http://www.npr. org/2017/01/03/507983947/special-courts-for-military-veterans-gain-traction.

6. Department of Veterans Affairs, *Veterans Court Inventory 2014 Update: Characteristics of and VA Involvement in Veterans Treatment Courts, Dockets, and Tracks from the Veterans Justice Outreach Specialist Perspective* (Washington, DC: Department of Veterans Affairs, 2016), https://www.va.gov/HOMELESS/docs/VTC-Inventory-FactSheet-0216.pdf.

7. Juleyka Lantigua-Williams, "The Elusiveness of an Official ID After Prison," *The Atlantic,* August 11, 2016, https://www.theatlantic.com/politics/archive/2016/08/the-elusiveness-of-an-official-id-after-prison/495197/; Michelle Natividad Rodriguez and Beth Avery, *Ban the Box: U.S. Cities, Counties, and States Adopt Fair Hiring Policies* (New York: National Employment Law Project, 2017), available at nelp.org/publication/ban-the-box-fair-chance-hiring-state-and-local-guide.

8. James Bonta and Don A. Andrews, *Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation* (Ottawa, Ontario, CA Public Safety Canada, 2007), https://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/rsk-nd-rspnsvty/rsk-nd-rspnsvty-eng.pdf.

9. Elizabeth Drake, *Inventory of Evidence-Based and Research-Based Programs for Adult Corrections,* Document Number 13-12-1901 (Olympia: Washington State Institute for Public Policy, 2013); Patrick Clark, "Preventing Future Crime with Cognitive Behavioral Therapy," NIJ Journal 265, NCJ 229888 (Washington, DC: NIJ, 2010); E. K. Drake, *"What Works" in Community Supervision: Interim Report,* Document No. 11-12-1201 (Olympia: Washington State Institute for Public Policy, December 2011).

10. The Council of State Governments Justice Center, "In Brief: Using Incentives and Sanctions to Change Behavior" (unpublished manuscript, May 4, 2017), Microsoft Word file.

11. Lois M. Davis et al., *Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs That Provide Education to Incarcerated Adults* (Santa Monica, California: The RAND Corporation, 2013), http://www.rand.org/pubs/research_reports/RR266.html.

12. Stefan LoBuglio and Andrea Lee, memorandum to Secretary John Tilley of the Kentucky Justice and Public Safety Cabinet, May 16, 2017.

13. CSG Justice Center Staff, "Revamping Programs through Justice Reinvestment," The Council of State Governments Justice Center, last modified July 14, 2016, https://csgjusticecenter.org/jr/north-carolina/posts/revamping-programs-through-justice-reinvestment/.

14. This information was compiled through a review of publicly available recidivism reports from corrections agencies in all 50 states.

15. The Pew Charitable Trusts, *31 States Reform Criminal Justice Policies Through Justice Reinvestment* (Washington, DC: The Pew Charitable Trusts, 2016), http://www.pewtrusts.org/~/media/assets/2016/01/pspp_jrireformmatrixoverview.pdf.

16. The Council of State Governments Justice Center, *Reducing Recidivism: States Deliver Results* (New York: The Council of State Governments Justice Center, 2017). See also: The Council of State Governments Justice Center, *Reducing Recidivism: States Deliver Results* (New York: The Council of State Governments Justice Center, 2014), https://csgjusticecenter.org/wp-content/uploads/2014/06/ReducingRecidivism_StatesDeliverResults.pdf.

17. Legislative Budget Board, Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates, 2013, 2015, and 2016. Due to 3-year tracking period in recidivism analysis, 2004–2013 was the most recent 10-year span of data available.

18. Michigan Department of Corrections, *2015 Statistical Report.*

19. North Carolina Department of Public Safety, Annual Statistical Reports, *FY2004–2005 through FY2014–2015.* Confinements in Response to Violation (CRV) are not included. There were an additional 2,619 CRV admissions in 2015. People on DWI probation are included in this count.