

Offender Reentry: Correctional Statistics, Reintegration into the Community, and Recidivism

(name redacted)
Analyst in Crime Policy

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Summary

The number of people incarcerated in the United States grew steadily for nearly 30 years. That number has been slowly decreasing since 2008, but as of 2014 there were still over 2 million people incarcerated in prisons and jails across the country. The Bureau of Justice Statistics (BJS) reports that between 1990 and 2014 an average of 594,600 inmates have been released annually from state and federal prisons and almost 5 million ex-offenders are under some form of community-based supervision.

Nearly all prisoners will return to their communities as some point. Offender reentry can include all the activities and programming conducted to prepare prisoners to return safely to the community and to live as law-abiding citizens. Some ex-offenders, however, eventually end up back in prison. The BJS's most recent study on recidivism showed that within five years of release nearly three-quarters of ex-offenders released in 2005 came back into contact with the criminal justice system, and more than half returned to prison after either being convicted for a new crime or for violating the conditions of their release. Compared with the average American, ex-offenders are less educated, less likely to be gainfully employed, and more likely to have a history of mental illness or substance abuse—all of which have been shown to be risk factors for recidivism.

Three phases are associated with offender reentry programs: programs that take place during incarceration, which aim to prepare offenders for their eventual release; programs that take place during offenders' release period, which seek to connect ex-offenders with the various services they may require; and long-term programs that take place as ex-offenders permanently reintegrate into their communities, which attempt to provide offenders with support and supervision. There is a wide array of offender reentry program designs, and these programs can differ significantly in range, scope, and methodology. Researchers in the offender reentry field have suggested that the best programs begin during incarceration and extend throughout the release and reintegration process. Despite the relative lack of highly rigorous research on the effectiveness of some reentry programs, an emerging "what works" literature suggests that programs focusing on work training and placement, drug and mental health treatment, and housing assistance have proven to be effective.

The federal government's involvement in offender reentry programs typically occurs through grant funding, which is available through a wide array of federal programs at the Departments of Justice, Labor, Education, and Health and Human Services. However, only a handful of grant programs in the federal government are designed explicitly for offender reentry purposes. Most of these offender reentry-specific programs were authorized by the Second Chance Act of 2007 (P.L. 110-199). Congress has continued to fund grant programs authorized under the Second Chance Act even though the authorization of appropriations expired in FY2010.

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Background

Over 95% of the prison population today will be released at some point in the future. Between 1990 and 2014 an average of 594,600 inmates were released annually from state and federal prisons. The Department of Justice's (DOJ's) Bureau of Justice Statistics (BJS) has estimated that nearly three-quarters of all released prisoners will be rearrested within five years of their release and about 6 in 10 will be reconvicted. Many studies have indicated that reentry initiatives that combine work training and placement with counseling and housing assistance can reduce recidivism rates.

Offender reentry includes all the activities and programming conducted to prepare ex-convicts to return safely to the community and to live as law-abiding citizens. Reentry programs are typically divided into three phases: programs that prepare offenders to reenter society while they are in prison, programs that connect ex-offenders with services immediately after they are released from prison, and programs that provide long-term support and supervision for ex-offenders as they settle into communities permanently. Offender reentry programs vary widely in range, scope, and methodology. The best-designed programs, according to the research in the field, are those that span all three phases.⁵

Correctional System Statistics

To understand the issue of offender reentry, one must first understand the ways in which exoffenders are released into the community. It is also worthwhile to analyze the population of individuals serving sentences in correctional facilities, because the number of offenders reentering the community is necessarily related to the number and type of offenders serving prison sentences. This section analyzes national data on the nation's correctional system.

Population in Correctional Facilities

The correctional system includes two main forms of detention: jails and prisons. Jails, also known as local lockups, are facilities generally used to temporarily detain individuals who have been arrested or charged with a crime but not usually convicted. The jail population is thus extremely fluid, with individuals usually staying for a matter of weeks, and includes individuals who may never be convicted of a crime. Prisons, on the other hand, typically house individuals who have been convicted of a crime and sentenced to a term of one year or longer. For this reason, the prison population is less fluid than the jail population.

¹ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, "Reentry Trends in the United States," http://www.bjs.gov/content/reentry/reentry.cfm; hereinafter "Reentry Trends."

² U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Corrections Statistical Analysis Tool—Prisoners, Number of sentenced prisoners released from state or federal prisons, 1978-2014, http://www.bjs.gov/index.cfm?ty=nps.

³ Matthew R. Durose, Alexia D. Cooper, and Howard N. Snyder, *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010*, NCJ 244205, April 2014, p. 1.

⁴ Wilkinson, Reginald A., Director of the Ohio Department of Rehabilitation and Correction, "Offender Reentry: A Storm Overdue," Paper Prepared for Third National Forum on Restorative Justice, March 2002, on file with the author. Hereinafter "A Storm Overdue."

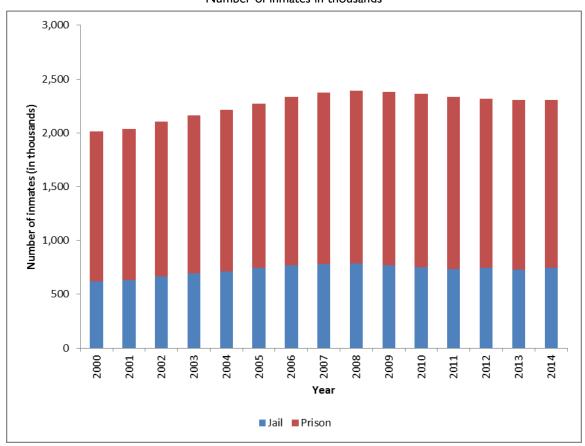
⁵ U.S. Department of Justice, Office of Justice Programs, "Learn About Reentry," http://www.reentry.gov/learn.html.

⁶ While this is generally the case, jails on occasion can also include individuals sentenced to prison terms lasting less than one year (misdemeanors) and convicted felons in jurisdictions where the prisons are overpopulated.

The number of inmates incarcerated in correctional facilities steadily increased between 2000 and 2008, when it reached its peak of nearly 2.4 million inmates. However, in recent years the number of incarcerated individuals has declined. The number of inmates in prisons and local jails decreased by 15,400 (-0.7%) inmates in 2009; 21,900 (-1.0%) inmates in 2010; 30,400 (-1.3%) inmates in 2011; 11,300 (-0.5%) in 2012; 9,000 (-0.4%) in 2013; and 2,000 (-0.1) in 2014. The decrease in the correctional population in 2009 was the result of a declining jail population, but in 2010 and 2011, there was a decrease in the number of inmates held in both jails and prisons. The overall correctional population decreased again in 2012, but this was the result of a decline in the number of inmates held in prison; the number of inmates held in jails increased. While there was a decrease in the number of people incarcerated again in 2013, the number of people incarcerated in prisons actually increased between 2012 and 2013. The increase in the number of people incarcerated in prisons was offset by a decrease in the number of people incarcerated in jails. The reverse was true in 2014: there was a decrease in the number of prison inmates, which was almost entirely offset by an increase in the number of jail inmates. It is noteworthy that while the number of people incarcerated in the United States has decreased each year from 2009 to 2014, the rate of decrease has slowed in the past three years. Figure 1 shows the number of inmates incarcerated in the United States from 2000 to 2014 (the most recent data available).

Figure 1. Number of Inmates Incarcerated in the United States, 2000-2014

Number of inmates in thousands



Source: The prison population counts were taken from U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Prisoners in 2011* and *Prisoners in 2014*. The jail population counts were taken from U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Jail Inmates and Midyear 2014*.

Given the fact that 95% of all inmates will eventually return to the community, the prison population has a direct impact on offender reentry. As the prison population grows, increasing numbers of ex-offenders are released from correctional facilities. Most of these ex-offenders are required to undergo some form of community supervision as part of their release. The following section explores the mechanisms and statistics surrounding the release of prisoners into the community.

Offenders Under Community Supervision

Ex-offenders can be released into the community through a variety of different mechanisms. Some offenders never serve prison sentences and instead serve their sentence on probation in their communities under supervision. Others serve most of their sentences in correctional facilities but are then released on parole to finish their sentences in their communities under supervision. Lastly, some offenders serve out their entire sentences in correctional facilities and are released unconditionally into the community.

Probation

Individuals who are found guilty of committing a crime that is deemed not serious enough for imprisonment can be sentenced to serve their sentences under community supervision (probation). Offenders on probation typically must adhere to certain conditions and check in regularly with their probation officers. Violation of these conditions or failure to appear before their probation officers can lead to further criminal sanctions, including incarceration. In some instances, offenders can be sentenced to a mixed term of prison and probation.

Parole

Individuals who have served most of their sentences in a correctional facility are sometimes eligible to complete their sentences in the community under conditional supervision. While some states have a parole system in place, Congress abolished parole at the federal level effective November 1, 1987. However, there is a small percentage of federal offenders who were sentenced prior to November 1, 1987, who are still eligible for parole. The conditions associated with parole can vary from case to case, but typically include drug testing and regular contact with a parole officer. Violations of these conditions can result in the parolee returning to prison to serve out the remaining portion of his or her sentence. There are two different kinds of parole: discretionary and mandatory.

Discretionary Parole

States that use parole boards to determine whether a prisoner should be released into the community have discretionary parole. Parole boards have the authority to conditionally release a prisoner into the community based on a statutory or an administrative determination that the prisoner is eligible.

⁷ Reentry Trends.	

Mandatory Parole

States that have statutory language determining when offenders should be released into the community have mandatory parole. Jurisdictions that use determinate sentencing⁸ often include provisions specifying when inmates should be conditionally released from prison after serving a specified portion of their original sentences.

Figure 2 shows the number of offenders who were supervised in the community, either through probation or through parole, during the period from 2000 to 2014 (the most recent data available). The data show that the majority of offenders on community supervision are on probation (83%, on average, between 2000 and 2014). Also, trends in the number of people on community supervision mirror those of incarceration. The total number of people on community supervision peaked in 2007 (compared to the number of people incarcerated, which peaked in 2008) and it has been declining since. The decline in the total number of people on community supervision has largely been driven by a decline in the number of people on probation. The number of people on parole has generally increased since 2007 (it has leveled-off somewhat over the past two years), which might reflect the fact that a number of inmates who were sentenced to terms of incarceration in the 1990s and early 2000s are now being released on parole.

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⁸ A determinate sentence is a fixed sentence, while an indeterminate sentence is typically expressed as a range (i.e., 5 to 10 years).

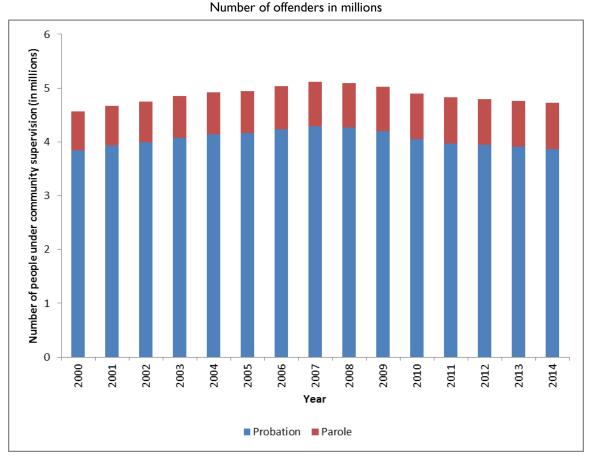


Figure 2. Number of Offenders Under Community Supervision, 2000-2014

Source: The number of probationers and parolees were taken from U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Probation and Parole in the United States*, 2014.

The relationship between the prison and parole populations is an important one for a number of reasons. Offenders serving their sentences in prison have generally committed more serious crimes than offenders who serve their sentences in jail or on probation; as previously noted, the prison population typically includes individuals sentenced to more than a year of incarceration. Parolees, meanwhile, often return to the community after a prolonged period of incarceration and usually face a period of adjustment.

Recidivism

Recidivism is often defined as the rearrest, reconviction, or reincarceration of an ex-offender within a given time frame. As a result of this broad definition of recidivism, most studies include technical violations of an offender's parole or probation (such as failing a drug test or not showing up for a meeting, for example) within their general recidivism statistics. Rearrest statistics also include individuals who are found not guilty of the charges. For these reasons, some studies have focused on reincarceration with a new prison sentence as a more accurate recidivism statistic, arguing that technical violations are really an extension of an offender's original prison term and not a newly committed crime. Essentially, there are two competing philosophies about

what recidivism should mean. On the one hand are those who argue that any new contact with the criminal justice system, no matter how minor, should be considered recidivism on the part of an ex-offender. On the other hand are those who argue that recidivism should be more narrowly defined as the commission of a new crime, resulting in a new sentence, by an ex-offender. What one includes in the definition of recidivism has a substantial impact on the rate of recidivism reported.

Regardless of what definition is used, recidivism is a difficult subject to study. Tracking recidivism involves following the cases of individuals for a number of years and relying on state or national-level data sets that contain inherent inaccuracies. For example, if an offender is released in California but commits a new crime in Maine, the researchers must be able to match those two records together to make a definitive statement about recidivism. This match is typically done by consulting the FBI's master database of convictions; however, as we will see later, this database contains omissions that may affect the results of recidivism studies. A number of studies have been conducted on this issue, and most states have calculated their own recidivism rates. However, for the sake of providing the most comprehensive overview of recidivism, this section focuses on the most recently conducted national-level study.

Bureau of Justice Statistics 2005 Recidivism Study

The Bureau of Justice Statistics (BJS) study on the recidivism of a cohort of inmates released in 1994 was, at the time, one of the most comprehensive national-level recidivism studies ever conducted. The BJS recently published a new report that examined the recidivism rates for 404,638 prisoners released in 30 states for five years after their release from prison in 2005. The prisoners included in the study represent approximately three-quarters of the inmates released in 2005. The 2005 BJS recidivism study used a larger sample and a longer follow-up period than the 1994 study. The prisoners included in the study represent approximately three-quarters of the inmates released in 2005. The 2005 BJS recidivism study used a larger sample and a longer follow-up period than the 1994 study.

Data show that by the end of the five-year follow-up period, approximately three-quarters (76.6%) of prisoners released in 2005 were rearrested. Furthermore, the BJS found that most released prisoners were rearrested within one year of being released. By the end of the first year following release, 43.4% of inmates were rearrested. The longer released prisoners went without being rearrested, the less likely they were to be rearrested. As shown in **Figure 3**, compared to the arrest rate of 43.4% in the first year, 28.5% of released prisoners who were not arrested in the first year were arrested for the first time in the second year after release. The proportion of released prisoners who were arrested for the first time over the course of the last three years of the follow-up period continued to decrease.

⁹ For an expanded discussion of the varying definitions of recidivism, refer to Allen Beck, *Recidivism: A Fruit Salad Concept in the Criminal Justice World*, Justice Concepts, available at http://www.justiceconcepts.com/recidivism.pdf.

¹⁰ The 1994 BJS study examined the rearrest, reconviction, and reincarceration of prisoners from 15 states three years after their release in 1994. The study tracked 272,111 prisoners, or almost two-thirds of all the prisoners released from state prisons in 1994. Patrick A. Langan and David J. Levin, *Recidivism of Prisoners Released in 1994*, NCJ193427, June 2002.

¹¹ Matthew R. Durose, Alexia D. Cooper, and Howard N. Snyder, *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010*, NCJ 244205, April 2014.

¹² The BJS cautions that because of factors like the different attributes of the prisoners included in the 1994 and 2005 study, better data on inmates released in 2005 who died during the follow-up period, and improvements in the completeness of criminal history records, the results of the 2005 study are not directly comparable to the results of the 1994 study. Ibid., pp. 2-5.

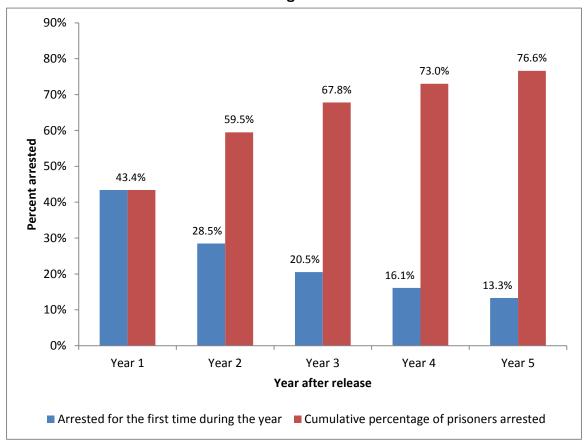


Figure 3. Proportion of Released Prisoners Arrested for the First Time at the End of the Year and Cumulative Percentage of Released Prisoners Rearrested

Notes: The denominators for the proportion of released prisoners arrested for the first time during the year were 404,638 for year one; 229,035 for year two; 163,679 for year three; 130,128 for year four; and 109,186 for year five. The numerators include released prisoners who were arrested during the year who had not been arrested since release.

Data show that a greater proportion of released property offenders were rearrested than violent, drug, and public order offenders (see **Figure 4**). By the end of the five year follow-up period, 82.1% of released property offenders were rearrested, compared to 76.9% of drug offenders, 73.6% of public order offenders, and 71.3% of violent offenders. Data show that the general pattern of recidivism shown in **Figure 3** continued regardless of the offenses for which released prisoners were incarcerated. Most released offenders, regardless of their offense, were likely to be rearrested within one year of being released, and the increase in the proportion of rearrested prisoners started to slow the longer prisoners had been out of prison.

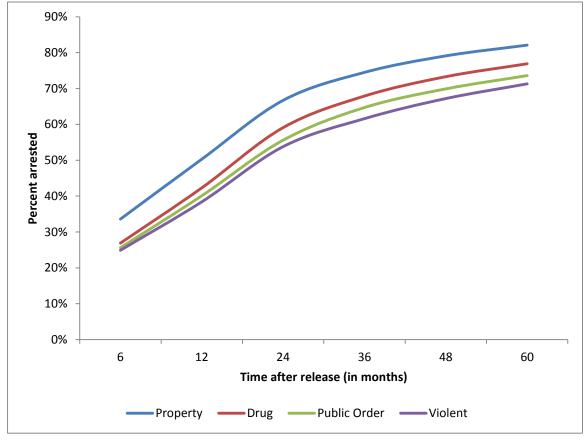


Figure 4. Proportion of Released Prisoners Rearrested, by Offense Type

The BJS also found that prisoners with longer criminal histories were more likely to be rearrested within five years of being released. Data show that 86.5% of released prisoners with 10 or more prior arrests were rearrested within five years (see **Figure 5**). In comparison, 60.8% of released prisoners with four or fewer prior arrests and 75.9% of released prisoners with five to nine prior arrests were rearrested within five years.

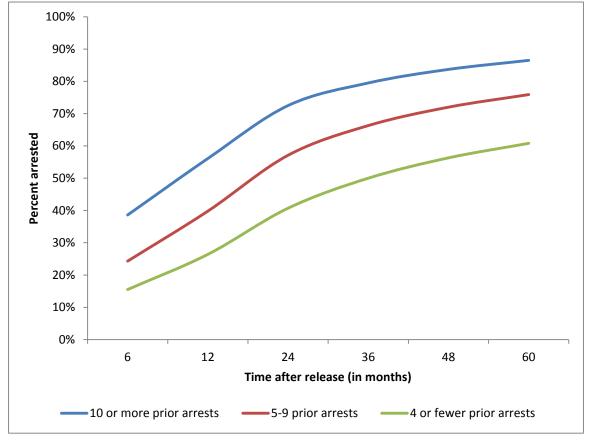


Figure 5. Proportion of Released Prisoners Rearrested, by Criminal History

As previously discussed, the definition of "recidivism" can affect measured recidivism. The data from the BJS study bear this out. Arrest is the broadest definition of recidivism, and when this definition is used it produces the highest measured recidivism (see **Figure 6**). More restrictive definitions of recidivism result in lower measured recidivism. For example, 76.6% of prisoners released in 2005 were rearrested within five years, but 60.0% were adjudicated, ¹³ 55.4% were convicted for a new crime, 55.1% were returned to prison, ¹⁴ 44.9% were incarcerated, ¹⁵ and 28.2% were imprisoned. ¹⁶

¹³ "Adjudicated" refers to arrests that resulted in a subsequent court adjudication or disposition (e.g., convictions, dismissals, acquittals, or deferred adjudications).

¹⁴ "Returned to prison" refers to arrests that resulted in a conviction with a disposition of a prison sentence or when prisoners were returned to prison without a new conviction due to technical violations of the terms of their release (e.g., failing a drug test or missing an appointment with a parole officer).

¹⁵ "Incarcerated" refers to arrests that resulted in a prison or jail sentence.

¹⁶ "Imprisoned" refers to arrests that resulted in a prison sentence.

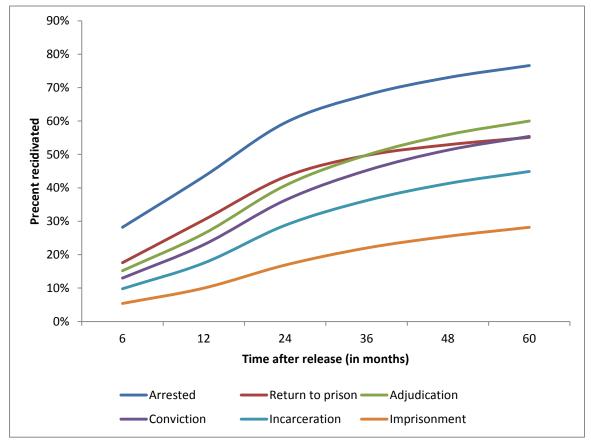


Figure 6. Measured Recidivism Based on Different Definitions of Recidivism

Notes: "Adjudication" refers to arrests that resulted in a subsequent court adjudication or disposition (e.g., convictions, dismissals, acquittals, or deferred adjudications). "Conviction" refers to arrests that resulted in a subsequent court conviction. "Incarceration" refers to arrests that resulted in a prison or jail sentence. "Imprisonment" refers to arrests that resulted in a prison sentence. "Return to prison" refers to arrests that resulted in a conviction with a disposition of a prison sentence or when prisoners were returned to prison without a new conviction due to technical violations of the terms of their release.

U.S. Sentencing Commission Recidivism Study

In March 2016, the U.S. Sentencing Commission (USSC) released a study on the recidivism of approximately 25,000 federal offenders released in 2005. The subjects in the study were offenders who are U.S. citizens and who returned to the community after completing a term of incarceration or commenced a term of probation. The study followed released offenders and probationers for eight years.

The USSC found that approximately half (49.3%) of offenders were rearrested for a new crime or a violation of supervision conditions within eight years. Approximately one-third of offenders (31.7%) were reconvicted, while about one-quarter (24.6%) were reincarcerated. The USSC found that most offenders who recidivated did so shortly after release. The median time to first

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¹⁷ Kim Steven Hunt and Robert Dumville, *Recidivism Among Federal Offenders: A Comprehensive Overview*, U.S. Sentencing Commission, March 2016.

rearrest was 21 months. Also, of the 49.3% of offenders who were rearrested within eight years, 27.1% were rearrested within two years of release.

The USSC notes that a group of comparable federal offenders had a lower recidivism rate than the state offenders in the BJS study (see above). BJS found that 76.6% of state offenders were rearrested within five years, but the USSC found that 44.9% of federal offenders released from prison (i.e., excluding those sentenced to probation or a fine only) were rearrested within five years.

The USSC found that federal offenders had lower levels of recidivism when other measures of recidivism were considered. For example, BJS found that 55.4% of state offenders were reconvicted within five years; 26.0% of federal offenders were reconvicted over the same time period. In addition, BJS found that 28.2% of state offenders were reincarcerated, compared to 20.7% of the federal offenders.

A majority of federal offenders who recidivated were rearrested for one of three offenses: Assault (23.3%), public order offenses (15.5%), and drug trafficking (11.5%). The other three most common offenses for which federal offenders were rearrested were larceny (7.7%), driving while intoxicated (7.4%), and drug possession (7.2%). Fewer than 5% of offenders were rearrested for other offenses.¹⁸

The USSC also found some correlation between the conviction offense and recidivism. Firearms offenders were the most likely to be rearrested (68.3%), followed by those who were convicted for robbery (67.3%), immigration offenses (55.7%), drug trafficking (49.9%), larceny (44.4%), all other offenses (42.0%), and fraud (34.2%).

Limitations of Recidivism Statistics

The data used in the BJS come from official records maintained by the states' and the Federal Bureau of Investigation's (FBI's) official criminal history repositories. These repositories understate the actual recidivism levels to some unknown extent because they rely on local police agencies and courts to supply them with notifying documents. These documents are not always filed by local police departments or courts, however. In addition, if the offender provided a different name or a fraudulent identity document to police, and this misinformation was not discovered, they would likely not be captured by the data. Lastly, even if the criminal is correctly identified and the document is sent to the repository, the repository may not be able to match the person identified in the document with their records. This could occur, for example, if the document that has been submitted is filled out incorrectly or is illegible.

Moreover, as previously noted, there is some debate about what kind of outcome measure should be included when measuring recidivism. Should recidivism statistics include any contact with the criminal justice system by an ex-offender? Or should recidivism statistics be limited to the commission of crimes by ex-offenders that result in new convictions or new sentences? The BJS study showed wide differentials between general recidivism, which includes any contact with the criminal justice system, and re-conviction rates for new crimes. The length of the follow-up period will also play a role in the recidivism statistics that are generated. The BJS study shows that recidivism, no matter how recidivism is measured, continues to climb, albeit at a decreasing rate, as the length of the follow-up period increases.

¹⁸ These offenses include homicide, robbery, rape, other violent offenses, burglary, fraud, other property offenses, other drug offenses, and weapons offenses.

For all of these reasons, caution should be taken when attempting to draw conclusions about the efficacy of policy measures based solely on recidivism statistics. When using recidivism statistics to evaluate a program, it is important to understand exactly what is included in the definition of recidivism. For example, consider the following hypothetical scenario: a program is evaluated and shows significant decreases in the number of ex-offenders that are convicted of new crimes and sentenced to new prison terms; however, the number of ex-offenders arrested for violating their parole actually increased. Was this program successful or not? Did it make society safer or not? This may well be an unlikely scenario, but it calls attention to the fact that recidivism may mean different things to different people. While recidivism statistics remain the best information available concerning whether ex-offenders come into contact with the criminal justice system after being released from prison and what the nature of that contact is, they are but one factor to be considered when evaluating the efficacy of a program, because of the concerns outlined above.

Offender Reentry: A Brief Literature Review

The vast majority of prisoners currently being detained in secure facilities will, someday, be released into the community, and more offenders are transitioning into the community today than ever before. Offender reentry is a complex issue that touches on a wide range of social and governmental networks and programs. Offender reentry policies can vary significantly from state to state, and from community to community within particular states. The policies affecting prisoners and the kinds of programs available to them both in and out of prison depend on a variety of factors, including the availability of funding for social programs within states and communities and the number of private nonprofit and religious organizations operating in a given community. The federal government plays a supporting role through the numerous grant funding opportunities (discussed below). Complicating factors affecting how offender reentry works in a given community can include

- the varying types of sentences handed down,
- the different kinds of release mechanisms available to judges,
- the types of programs provided in prisons by correctional systems,
- the intensity of supervision provided or required by the parole or releasing agency,
- the family and community support available to the offender,
- the kinds of social services available in the offender's community, and
- the status of the local economy and the offender's ability to obtain employment.¹⁹

Offender Reentry Defined

Before any discussion of offender reentry programs, however, it is useful to comment on what constitutes offender reentry. Some observers note that offender reentry is the natural byproduct of incarceration, because all prisoners who are not sentenced to life in prison and who do not die in prison will reenter the community at some point. According to this school of thought, reentry is not a program or some kind of legal status but rather a process that almost all offenders will undergo. A variant on this approach to reentry is the concept that offender reentry, "simply

¹⁹ Richard P. Seiter and Karen R. Kadela, "Prisoner Reentry: What Works, What Does Not, and What Is Promising," *Crime & Delinquency*, vol. 49, no. 3, 2003, pp. 360-388; hereinafter "Prisoner Reentry: What Works."

²⁰ Ouestioning the Evidence, 4-5.

defined, includes all activities and programming conducted to prepare ex-convicts to return safely to the community and to live as law abiding citizens."²¹ The basic idea here is that every activity and process that a prisoner undergoes while in the judicial and correctional systems will have some nexus with their reentry into the community.

Although this broad definition of reentry certainly encompasses all the activities that may impinge on or affect a prisoner's reentry into society, it may be a cumbersome one for the purposes of crafting and evaluating government policies. For example, it is difficult, if not impossible, to measure the outcome of a reentry program if one includes in the definition of reentry every activity that a prisoner undergoes during his time in the criminal justice system. This has led many in the field to focus on a more narrow and thus more manageable definition of reentry. This more narrow definition is often stated in two parts: correctional programs that focus on the transition to the community (such as prerelease, work release, halfway houses, or other programs specifically aiming at reentry) and programs that have initiated some form of treatment (such as substance abuse, life skills, education, or mental health) in prison that is linked to community programs that will continue the treatment once the prisoner has been released.²² Narrowing the definition of reentry thusly allows policymakers to focus on programs that expressly aim to manage the transition from detention to the community.

Program Effectiveness: The "What Works" Literature

Compared with other social science fields, there has been a relative lack of rigorously designed studies on the issue of offender reentry. Nevertheless, in recent years, there has been increasing attention on this issue and a number of new studies have been published. This has allowed academics to undertake some of the first broad meta-analyses²³ of offender reentry studies. Some of these studies have hewn closely to the "what works" paradigm created by University of Maryland researchers for a National Institute of Justice report to Congress.²⁴ This concept was adapted to the field of offender reentry in a 2003 St. Louis University Study.²⁵ The "what works" literature attempts to identify programs that are effective by creating a scoring system to evaluate studies based on whether they can be proven to have an impact. Inherent to this approach is the need to identify program evaluations that provide evidence concerning the effect the program had on certain outcome measures. The "what works" paradigm essentially focuses on whether studies have accomplished the following things:

- controlled for variables in their analysis that may have been the underlying cause of any observed connection between the program being studied and the outcome measures being analyzed;
- determined whether there are measurement errors resulting from problems with the study, including such things as participants being lost over time or low response rates to interview requests; and

²¹ Questioning the Evidence, p. 5.

²² Prisoner Reentry: What Works, p. 370.

²³ Meta-analyses are a type of systematic review of studies that allow researchers to draw conclusions across a wide range of studies by using statistical methods to derive quantitative results from the analysis of multiple sources of quantitative evidence.

²⁴ Lawrence W. Sherman, Denise Gottfredson, Doris MacKenzie, John Eck, Peter Reuter, and Shawn Bushway, *Preventing Crime: What Works, What Doesn't, What's Promising*, National Institute of Justice, 1997.

²⁵ Prisoner Reentry: What Works.

 calculated the statistical power of the analysis to detect the program's effects on outcome measures. Included in this category are things such as sample size and the base rate of crime in the community.²⁶

The "what works" model uses these core criteria to place studies into five distinct categories, with category 5 being the most scientifically rigorous, and thus considered most effective, studies. The model then uses these criteria to identify programs that, based on the evidence considered, have been proven to work, programs that are promising, and programs that do not work.

The National Reentry Resource Center (NRRC), in collaboration with the Urban Institute (UI), developed the What Works in Reentry Clearinghouse (Clearinghouse). The Clearinghouse provides access to research on the effectiveness of a variety of reentry programs and practices. The criteria established by the UI for which studies would be included in the Clearinghouse closely hew to the "what works" model. First, in order for a study to be included in the Clearinghouse it must evaluate whether a particular program, practice, or policy improves reentry outcomes for returning prisoners and the effect of the intervention on at least one of a number of relevant outcomes (e.g., recidivism, substance use, housing, employment, and mental health). If these criteria are met, then the study must also satisfy the following minimum set of standards in terms of methodological rigor:

- The study must employ either random assignment or quasi-experimental methods with matched groups or statistical controls for differences between groups.
- The sample size must be at least 30 individuals in both the treatment and comparison groups.
- The study must have either been conducted by an independent researcher or published in a peer-reviewed journal.

Employment

The conventional wisdom is that post-release employment is one of the most important elements for an ex-offender to successfully transition back into the community.²⁸ Released prisoners frequently identify employment as one of the most important factors in their efforts to stay crimefree after incarceration.

While studies have shown that employment can aid in preventing recidivism, in general, research on the relationship between participation in employment programs and recidivism has yielded mixed results. The Clearinghouse included five studies that examined the effects of programs that provided job training and/or post-release employment services for prisoners. Of these five studies, only two found that the program helped reduce recidivism, though neither program had a significant effect on post-release employment. Another program had a positive effect on helping released prisoners find post-incarceration employment, though this program did not have an effect on recidivism. Research on the effect of work release programs was mixed; half of the six studies in the Clearinghouse found that work release program either reduced recidivism or helped prisoners find post-release employment while the other half did not. A majority of the research found that prisoners who participated in prison industries had lower levels of recidivism.

²⁶ Prisoner Reentry: What Works, pp. 370-373.

²⁷ The Council of State Governments, Justice Center, National Reentry Resource Center, *What Works in Reentry Clearinghouse*, http://whatworks.csgjusticecenter.org/.

²⁸ The Council of State Governments, Justice Center, National Reentry Resource Center, *What Works in Reentry Clearinghouse: Employment*, http://whatworks.csgjusticecenter.org/focus_areas/employment-topic.

Substance Abuse Treatment

For many prisoners who recently returned to their communities, substance abuse is often closely related to their difficulties with housing, employment, and mental health.²⁹ Generally, research in the Clearinghouse indicates that substance abuse treatment can help reduce recidivism and substance abuse among program participants, especially if the substance abuse treatment is provided in a therapeutic community (TC) setting.³⁰ There were 16 studies in the Clearinghouse that evaluated the effectiveness of TC substance abuse treatment, and most indicated that program participation had a positive effect on both recidivism and substance abuse. Research also suggests that aftercare can help promote positive outcomes for program participants, but these results could have been affected by selection bias. A majority of studies that evaluated non-TC substance abuse programs found either strong to moderate evidence that the programs reduced recidivism.

Education

Educational credentials are increasingly important in order to obtain employment in a more competitive global economy. However, many prisoners have low levels of educational attainment. To help prepare prisoners for the workforce after they leave prison, many correctional facilities offer educational programs, including adult basic education (ABE), high school or GED programs, college or post-secondary programs, and vocational training. Research included in the Clearinghouse shows that post-secondary education had a strong effect on reducing recidivism, while there was a more modest effect for ABE programs. Studies of GED programs show that participants were no less likely to recidivate than non-participants. However, it is difficult to draw any definitive conclusions about the effectiveness of any of these programs because there were a limited number of studies that met the criteria for inclusion. There was more research on vocational education programs, but the findings from these studies were mixed. The research on vocational education programs suggests that the quality of the program may be an important factor in achieving reductions in recidivism.

Mental Health

A significant number of prisoners have problems with mental illness, and these problems might co-occur with a substance abuse or a physical health problem.³³ Research on the effectiveness of prison-based mental health treatment suggests that these programs can help reduce recidivism. The Clearinghouse includes four studies that evaluated programs that offered a continuity of care approach, and all four found significant reductions in recidivism among participants.³⁴ Evaluations of three other programs that focus on cognition and mental well-being, but which are

²⁹ The Council of State Governments, Justice Center, National Reentry Resource Center, *What Works in Reentry Clearinghouse: Substance Abuse*, http://whatworks.csgjusticecenter.org/focus_areas/substance-abuse.

³⁰ Therapeutic communities offer an environment in which participants receive treatment and other services in a housing area separated from the rest of the incarcerated population.

³¹ The Council of State Governments, Justice Center, National Reentry Resource Center, *What Works in Reentry Clearinghouse: Education*, http://whatworks.csgjusticecenter.org/focus_areas/education.

 $^{^{32}}$ There was one study that evaluated an ABE program, two that evaluated GED programs, and another two the evaluated post-secondary education programs.

³³ The Council of State Governments, Justice Center, National Reentry Resource Center, *What Works in Reentry Clearinghouse: Mental Health*, http://whatworks.csgjusticecenter.org/focus_areas/mental-health.

³⁴ Generally speaking, programs that use a continuity of care approach provide intensive case management while the prisoner is incarcerated, refer him or her to outside service providers prior to release, and continue to offer post-release case management and other services in the community.

not focused on prisoners with a diagnosed mental illness, suggest that these "curriculum-based" treatment programs can help reduce recidivism. For example, a program that provided 70 weeks of classes (including a phase that incorporates a cognitive-behavioral approach) that focused on problem solving, goal setting, managing stress and fear, and improving cognitive skills, was found to have a positive effect on recidivism.

Housing

Acquiring housing is a challenge that most individuals face soon after leaving prison. Obtaining housing is complicated by several factors, including the scarcity of affordable and available housing, legal barriers, discrimination against ex-offenders, and strict eligibility requirements for federally subsidized housing. Like many other reentry programs, the research on the effect of halfway houses on recidivism is mixed. There were three studies in the Clearinghouse that evaluated the effectiveness of halfway housing programs. Two of the studies found that the programs had no effect on recidivism. However, the most methodologically rigorous of the three studies suggests that halfway houses can reduce recidivism. The effect of halfway housing programs on recidivism appears to be largely determined by a participant's level of risk to recidivate (participants that are at a higher level of risk to recidivate are more likely to benefit) and by the quality of the particular program.

Limitations of the "What Works" Literature

A review of the research in the Clearinghouse shows that there is a dearth of high-quality research on the effectiveness of many reentry programs. While there were 16 studies on the effectiveness of TC-based substance abuse treatment that were methodologically rigorous enough to be included in the Clearinghouse, there was only one study of an ABE program, two studies of GED programs, and three studies of halfway houses. The lack of a robust body of literature on the effectiveness of some reentry programs can make it difficult to determine whether a program is indeed effective.

It is important to note here that just because a program has been reported to work in one location, or for a certain population, does not necessarily mean that it can be just as effective in other locations or among other populations. A number of factors can impinge on a program's effectiveness in any given location. For example, while knowing that a program has worked in the past can provide a model or blueprint to guide policy practitioners in other locations, how a program is implemented is just as important to its ultimate success as the underlying model that it is based on. The most effective model program can be compromised if it is not implemented properly. In addition, geographic, demographic, and other differences between locations can affect whether a program that succeeded in one place succeeds in another. Nevertheless, knowing that a program has worked in the past is of use to policymakers as they consider where to allocate funding and other resources.

Conclusions

After reviewing the available literature, some patterns appear to emerge. Many of the programs that have been proven to be effective share some of the same attributes, regardless of whether

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³⁵ The Council of State Governments, Justice Center, National Reentry Resource Center, *What Works in Reentry Clearinghouse: Housing*, http://whatworks.csgjusticecenter.org/focus_areas/housing.

³⁶ Ibid.

they focus on vocational training, substance abuse prevention, mental health services, or obtaining housing. The attributes shared by most of these programs include the following:

- they start during institutional placement, but take place mostly in the community;
- they are intensive in nature, lasting typically at least six months;
- they focus services on individuals determined to be at high risk of recidivating through the use of risk-assessment classifications; and
- if they are treatment programs, they use cognitive-behavioral treatment techniques, matching particular therapists and programs to the specific learning characteristics of the offenders.³⁷

The research on recidivism suggests that ex-offenders might be best served engaging in reentry services during their first year after release since that is when they are the most likely to recidivate.

Federal Offender Reentry Programs

Following is a brief description of the main federal programs that have been used to help state and local entities fund activities relating to the reintegration of ex-offenders into local communities. Some of these programs may no longer be receiving funding; these programs are identified below. Other programs that are currently funded may not provide funding for offender reentry purposes every fiscal year. Nevertheless, these programs have been included to provide a comprehensive look at the universe of federal resources that could be used for offender reentry purposes.

Offender Reentry Programs at the Department of Justice (DOJ)

The Department of Justice (DOJ) offers grants for a variety of offender reentry-related programs. Most of these grants were authorized by the Second Chance Act of 2007 (P.L. 110-199).³⁸ The act authorized

- grants for state and local reentry courts;
- grants for drug treatment diversion programs;
- grants to expand substance-abuse programs for prisoners and ex-offenders; and
- grants to expand the use of career training programs and mentoring programs.

The act also reauthorized the Adult and Juvenile State and Local Offender Reentry Demonstration Grant program.

Over the past several fiscal years, Congress has appropriated a single amount, minus some setasides, for programs authorized by the Second Chance Act. Congress has allowed DOJ to determine how the appropriated funding will be divided among the programs authorized by the act.

In addition to the programs authorized under the Second Chance Act, DOJ provides grants to state, local, and tribal governments through the Edward Byrne Memorial Justice Assistance Grant

³⁷ Questioning the Evidence, pp. 6-7.

³⁸ A section-by-section summary of the Second Chance Act is available in a congressional distribution memorandum that can be obtained by contacting the author.

(JAG) program.³⁹ JAG is a formula grant program that provides grant recipients with discretion in how the funds are used. JAG funds can be used for training, personnel, equipment, and supplies for, among other things, "correction and community corrections programs" and "drug treatment programs." Given the breadth of the JAG program, it appears likely that state, local, and tribal governments could use their JAG funds to support offender reentry programs.

Finally, the Residential Substance Abuse Treatment (RSAT) program provides grants to state and local governments to help them develop and implement residential substance abuse treatment programs in correctional facilities.

Offender Reentry Programs at Other Federal Agencies

As previously mentioned, many federal departments provide funding through a wide array of programs and block grants, which can be used by states for offender reentry. The following list is not meant to be an exhaustive one, but it does capture many programs run by other departments that can be used to support state offender reentry initiatives.

The Department of Labor (DOL)40

The Workforce Innovation and Opportunity Act (WIOA) (P.L. 113-128), which succeeded the Workforce Investment Act of 1998, is the primary federal legislation that supports workforce development. WIOA authorizes several workforce development programs for adults and youth, as well as a national system of One-Stop centers that provide employment and training resources to individuals seeking employment. 41 These programs, which are available to ex-offenders, provide services such as skills training and job placement. While not specifically authorized in WIOA, appropriations language for WIOA has authorized funding for activities under DOL's Reintegration of Ex-Offenders program that provides services to the ex-offender population to obtain or maintain employment. ⁴² The Reintegration of Ex-Offenders program is a competitive grant program that combines two previous demonstration projects, the Prisoner Reentry Initiative (PRI) and the Responsible Reintegration of Youthful Offenders (RRYO). The PRI, which was first funded in FY2005, supports faith-based and community organizations that help recently released prisoners find work when they return to their communities, RRYO, first funded in FY2000, supports projects that serve young offenders and youth at risk of becoming involved in the juvenile justice system. In FY2008, the Reintegration of Ex-Offenders program combined the PRI and RRYO into a single funding stream.

In addition, DOL maintains two programs that provide incentives for companies to hire exoffenders. The Work Opportunity Tax Credits program⁴³ provides up to \$2,400 in tax credits to companies for every former offender they hire, ⁴⁴ and the Federal Bonding Program allows

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³⁹ For more information on the JAG program see CRS Report RS22416, *Edward Byrne Memorial Justice Assistance Grant (JAG) Program: In Brief*, by (name redacted)

⁴⁰ This section was authored by (name redacted), Specialist in Labor Economics.

⁴¹ For more information about the Workforce Innovation and Opportunity Act, please see CRS Report R44252, *The Workforce Innovation and Opportunity Act and the One-Stop Delivery System*, by (name redacted) .

⁴² For more information on the Reintegration of Ex-Offenders programs, see http://www.doleta.gov/rexo/.

⁴³ For more information about the Work Opportunity Tax Credits Program, please refer to CRS Report R43729, *The Work Opportunity Tax Credit*, by (name redacted) and (name redacted) .

⁴⁴ U.S. Department of Labor, Employment & Training Administration, "Work Opportunity Tax Credit" available at http://www.doleta.gov/business/Incentives/opptax/.

companies who cannot obtain bonding or insurance from their own providers to bond exoffenders for up to \$25,000 for up to six months. 45

The Department of Education (ED)46

ED offers programs that can be used by states to help fund or provide technical support for offender reentry programs that focus on education. The Office of Career, Technical, and Adult Education, through the Adult Education and Family Literacy Act (Title II of the Workforce Innovation and Opportunity Act), provides grants to states to support basic education for out-of-school adults. States may allocate up to 20% of their grants to educational services for criminal offenders, including post-release services, with the goal of reducing recidivism. In addition, the Basic State Grant Program under the Carl D. Perkins Career and Technical Education Act of 2006⁴⁷ allows states to use up to 1% of their funds to serve individuals in state institutions. In 2015, ED also established the Juvenile Justice Reentry Education Program, ⁴⁸ a \$1.9 million competitive grant program aimed at improving reentry outcomes for justice-involved youths through career and technical education.

The Department of Housing and Urban Development (HUD)49

The Department of Housing and Urban Development (HUD) administers a number of programs that could be available to provide housing assistance to ex-offenders. The programs range from federally-funded, locally administered direct rental assistance to grants to states, localities, and non-profits to fund affordable housing, community development, and assistance for persons who are homeless.⁵⁰

HUD's direct rental assistance programs—Public Housing, Section 8 Housing Choice Vouchers, and Section 8 project-based rental assistance—provide direct rental assistance subsidies targeted to extremely low-income families. Federal law prohibits certain ex-offenders from participating in these programs, but otherwise, ex-offenders are eligible unless program administrators adopt local policies limiting their access.⁵¹ Letters from HUD in 2011 and 2012 encouraged local administrators to adopt policies that allow ex-offenders to rejoin their families participating in housing assistance programs and their communities, when appropriate.

HUD's formula grant programs—such as the HOME Investment Partnerships program and the Community Development Block Grant (CDBG) program—may be used by the states and localities that receive them to develop affordable housing and provide a range of housing-related supports. The extent to which these funds are used to support the housing needs of ex-offenders is determined by local grantees; there are no federal restrictions on the use of these funds for ex-

⁴⁵ U.S. Department of Labor, Employment & Training Administration, "Federal Bonding Program," http://www.bonds4jobs.com/program-background.html.

⁴⁶ This section was authored by (name redacted), Analyst in Education Policy.

⁴⁷ For more information on the Carl D. Perkins Career and Technical Education Act of 2006, see CRS Report R42863, *Carl D. Perkins Career and Technical Education Act of 2006: Background and Performance*, by (name redacted) .

⁴⁸ For more information on the Juvenile Justice Reentry Education Program, see http://cte.ed.gov/initiatives/juvenile-justice-reentry-education-program.

⁴⁹ This section was authored by (name redacted), Specialist in Housing Policy.

⁵⁰ For more information about the HUD programs discussed in this section, see CRS Report RL34591, *Overview of Federal Housing Assistance Programs and Policy*, by (name redacted), (name redacted), and (name redacted)

⁵¹ For more detail on restrictions related to ex-offenders, see CRS Report R42394, *Drug Testing and Crime-Related Restrictions in TANF, SNAP, and Housing Assistance*, by (name redacted) et al.

offenders. Similarly, the homeless assistance programs administered by HUD—the Homeless Assistance Grants, Emergency Solutions Grants, and Housing Opportunities for Persons With AIDS programs—are used to meet the needs of the homeless populations as defined by the local communities that receive the funds. These programs may be used to serve the needs of exoffenders and it is up to local communities to determine whether ex-offenders are a specific priority population. ⁵²

The Department of Health and Human Services (HHS)

HHS, through the Substance Abuse and Mental Health Services Agency (SAMHSA), supports offender reentry through its Offender Reentry Program (ORP). The ORP provides funding for state, tribal, and local governments, as well as community based nonprofit organizations, to expand and enhance substance abuse treatment and related recovery and reentry services for adult offenders who are returning to their families and community after a period of incarceration in state and local facilities including prisons, jails, or detention centers. While SAMHSA expects that most of the funding under this program will be used to provide post-release services, grantees are allowed to use a portion of their funding to provide services to inmates while they are incarcerated.

Coordination Between Federal Agencies

A number of entities bring together offender reentry professionals from state and local governments, nonprofit organizations, and academic institutions, including the Reentry Policy Council founded by the Council of State Governments and the Reentry Roundtable hosted by the Urban Institute. Both of these organizations attempt to bolster information sharing about best practices and funding opportunities and coordination between the various state and local agencies and stakeholders within the offender reentry field.

The DOJ has started an interagency Reentry Council to coordinate federal reentry efforts and advance effective reentry policies. The purpose of the council is "to bring together numerous federal agencies to make communities safer, assist those returning from prison and jail in becoming productive, tax-paying citizens, and save taxpayer dollars by lowering the direct and collateral costs of incarceration." The council includes representatives from the following agencies and offices:

- Department of Justice,
- Department of the Interior,
- Department of Agriculture,
- Department of Labor,
- Department of Health and Human Services.

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⁵² In 2004, HUD and DOJ released a "Guide for Developing Housing for Ex-Offenders," which discusses how HUD grant programs, along with other resources, can be used to provide housing for ex-offenders. It can be accessed at https://www.hudexchange.info/resource/1106/guide-for-developing-housing-for-ex-offenders/.

⁵³ Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, "SAMHSA's Efforts on Criminal and Juvenile Justice Issues," http://www.samhsa.gov/criminal-juvenile-justice/samhsas-efforts.

⁵⁴ National Reentry Resource Center, *Federal Interagency Reentry Council*, http://csgjusticecenter.org/nrrc/projects/firc/.

- Department of Housing and Urban Development,
- Department of Education,
- Department of Veterans Affairs,
- Office of National Drug Control Policy,
- Social Security Administration,
- Domestic Policy Council,
- Equal Employment Opportunity Commission,
- White House Office of Faith-Based and Neighborhood Partnerships,
- Office of Personnel Management,
- Office of Management and Budget,
- Internal Revenue Service,
- Federal Trade Commission,
- Interagency Council on Homelessness, and
- Small Business Administration.

Conclusion

Over the past two and a half decades, the increasing number of ex-offenders entering the community has put pressure on public policymakers to provide treatments and services that will smooth the reintegration process while reducing recidivism. When deciding what programs to fund, policymakers often focus on reducing recidivism. The focus on reducing recidivism, however, is complicated by the fact that there are different definitions of recidivism. For example, the most recent major national-level study showed that within five years of their release three-quarters of ex-offenders came into contact with the legal system and about half were back in prison for either a new conviction or a violation of the terms of their release. However, only a quarter of the ex-offenders ended up in prison for having committed new crimes. Whether technical violations should be considered a measure of recidivism or whether recidivism should be confined to the commission of new crimes has engendered much debate within the criminal justice field.

While the emphasis on reducing recidivism is important, programs can also be evaluated based on other outcome measures such as their ability to connect ex-offenders with jobs, services, and institutions in their communities. The best available research has shown that there are a number of services that can help ex-offenders reconnect with their communities and lower recidivism, including programs focusing on providing vocational training, substance abuse prevention, mental health services, and housing. The reportedly most successful programs focus on high-risk offenders, are intensive in nature, begin during institutional placement, and take place mostly in the community. However, a relative lack of scientifically rigorous research has made it difficult to draw definitive conclusions about which programs are most effective.

As Congress considers this issue, a number of policy issues may be assessed, including whether the current federal grant programs are adequate or whether new programs should be created, whether there is a need for more regular national-level recidivism data (there were almost 20 years between the BJS's two reports on recidivism), whether enough coordination of the many programs that may be used to help ex-offenders is occurring within the federal government, whether more evaluations of offender reentry programs are needed, and whether funding will be appropriated for the programs and activities that were authorized by the Second Chance Act.

Author Contact Information

(name redacted) Analyst in Crime Policy fedacted@crs.loc.goy7-....

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