

THE JOHNS HOPKINS UNIVERSITY

**CELL BLOCKS AND STREET BLOCKS: A THREE STATE ANALYSIS OF
EX-OFFENDER REENTRY**

by
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Abstract

The recidivism rate of ex-offenders in America continues to increase each decade, and each decade the debate on the subject of recidivism begins and ends with nothing truly accomplished. Many studies on this subject state that it is through rehabilitation that the recidivism rate can truly be reduced. Can the recidivism rate be lowered with a revision of the reentry and rehabilitation programs available to ex-offenders?

After analyzing three states identified as having the best, worst, and mid-range reentry systems in the country, it was concluded in this thesis that the key to reducing recidivism is to create a national recidivism program by which all states can follow. This program needs to have a centralized management structure, be adequately funded, address issues such as ex-offender housing, finding affordable health insurance for ex-offenders, reducing the effects of prisonization, helping ex-offenders to find employment and maintaining inmates relationships with family members, and continuing education for skill enhancement. By adequately addressing these issues and centralizing the management of the reentry programs nationwide, a reduction of the recidivism rate should follow.

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I would like to thank my mother and father for assisting my in the completion of this thesis. Their reading and re-reading helped me to fine tune my paper so that it not only it made sense but was error-free. I honestly could not have finished this thesis without their help. I would also like to thank my fiancée Gabbrielle Eskridge for her contributions to this project. Without her encouragement and faith in my abilities to complete this thesis and this program, I might not have been able mentally able to continue. Thank you.

Table of Contents

Abstract.....	ii
Acknowledgement.....	iii
Chapter 1- Introduction.....	1
Chapter2- Causes of Recidivism.....	21
Causes stemming from Poverty.....	21
The Health of Inmates and Ex-offenders.....	27
Housing Needs of Ex-offenders.....	34
Families and Ex-offenders.....	41
The Public Defender System and Plea Bargaining	43
Prisonization.....	48
Chapter 3- Reentry in Maryland, Michigan and California.....	50
Reentry in Maryland.....	50
Reentry in Michigan.....	58
Reentry in California.....	66
Chapter 4- Comparisons and Recommendations.....	75
Poverty.....	75
The Health of Inmates and Ex-offenders.....	79
Housing Needs of Ex-offenders.....	84
Families and Ex-offenders.....	91
The Public Defender System and Plea Bargaining	95
Prisonization.....	95
Chapter 5- Conclusion.....	98
Addendum.....	110
Bibliography.....	111
Curriculum Vita.....	124

Chapter 1

Introduction

Prisons. Ex-convicts. Criminals. For many, these words immediately conjure visions of rapists, murderers, child molesters and other less than respectable members of society. Americans want to lock these men and women away in state and federal prisons with the hopes that they will learn from their sentences and reform.

Unfortunately, reality is far from Americans best wishes. Despite the population of countries such as China, America has the highest prison population in the world. Even though America has less than 5% of the world's population, its prison population represents a quarter of the world's prisoners. Additionally it was found that American prisoners are incarcerated for a longer duration than prisoners in other countries.¹

It is a sad fact that after being released from prison, approximately two out of three people released in the United States are re-arrested within three years of their release.² If ex-offenders are not successfully reentered into society, Americans of every race, color, and religion will be affected. When an ex-offender, as they are called, is rearrested after their initial release,

¹ Adam Liptak, "Inmate Count in U.S. Draft Other Nations" New York Times, April 23, 2008.

² Reentry Policy Council. "Report of the Reentry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community". New York: Council of State Governments. (2004)

the result is called recidivism, and it has been an increasing problem in this country for decades through both Democratic and Republican administrations. This thesis is an analysis of recidivism programs in selected states of concern in the United States and how their recidivism rates can be reduced with increased focus on their reentry and rehabilitation programs.

Problem Statement

The recidivism rate of ex-offenders in America continues to increase each decade. Can the recidivism rate be lowered with a revision of the reentry and rehabilitation programs available to ex-offenders?

Background of issue

What can be done to prevent ex-offender recidivism? This question has been debated for decades and studies have been conducted. Mark Lipsey and Francis Cullen attempted to answer this question in their study on the value of correctional rehabilitation and the effect it had on recidivism.³ They found that supervision and sanctions show modest reductions in recidivism except for some instances where the opposite occurred, and there was an increase in recidivism as a result of supervision. They also found that though programs exist and can have an effect on the recidivism rate, they will not have the outcome desired if the programs are not properly run. Mark Lipsey studied juvenile offender recidivism. He examined the effectiveness of

³ Mark W. Lipsey & Francis T. Cullen. The effectiveness of correctional rehabilitation: A review of systematic reviews. *Annual Review of Law and Social Science* 3, (2007): 297-320

rehabilitation programs in the juvenile justice system.⁴ He found in his review of the programs that 17 percent of the 196 programs he reviewed received a favorable rating. He also found that when juveniles had a prior history that included a mix of offenses rather than just property offenses such as burglary, there was significant recidivism reduction. There have been books on how to handle ex-offenders such as James McGuire's *Offender Rehabilitation and Treatment: Effective Programs and Policies to Reduce Re-offending*⁵ and also *Learning to Reduce Recidivism: A 50-State Analysis of Postsecondary Correction* by Wendy Erisman and Jeanne Contardo.⁶ The studies all state that the correct way to reduce the recidivism rate in America is through an effective reentry program.

One of the first attempts to address the issue of recidivism was in 1982 when the 97th Congress passed the Job Training Partnership Act (JTPA).⁷ The JTPA supported employment and training programs for economically disadvantaged Americans including school dropouts with previous arrest records. The program was divided into four groups: (1) Adult and Youth Programs, (2) Federally Administered Programs, (3) Summer Youth Employment and Training Programs, and (4) Employment and Training Assistance for Dislocated Workers. It continued until 1998 when it was repealed by Title I, Sec. 199 (b) (2) of the Workforce Investment Act.⁸ The Federal Workforce Investment Act of 1998 (WIA) was introduced by the 105th Congress to replace many of the workforce enforcement laws that were in effect. The primary purpose of the WIA is to improve the employment, retention, skills and earnings of participants. Currently,

⁴ Mark W. Lipsey. "Can rehabilitative programs reduce the recidivism of juvenile offenders? An inquiry into the effectiveness of practical programs." *Virginia Journal of Social Policy & the Law* 6, no3, (1999) 611-641.

⁵ McGuire, James . *Offender Rehabilitation and Treatment: Effective Programmes and Policies to Reduce Re-offending* . New York: Wiley, 2003.

⁶ Wendy Erisman and Jeanne B. Contardo, and "Learning to Reduce Recidivism: A 50-State Analysis of Postsecondary Correctional Education Policy ." *The Institute for Higher Education Policy* (2005): 1-56..

⁷ "Job Training Partnership Act." S.2036 97th Congress (1982).

⁸ "Workforce Investment Act of 1998." H.R. 1385. 105th Congress (1998).

there is legislation in Congress that directly addresses ex-offender reentry such as the Second Chance Act which passed the House this past November.⁹

The Second Chance Act, if it becomes law, will provide grants to states and local governments that may be used to assist ex-offenders once they are released back into the community and it would authorize key elements of the successful Prisoner Reentry Initiative, which was announced by President Bush in 2004, to help prisoners succeed with their reentry into the community. Funds will be provided for mentorship, housing, education, job training, engagement with community colleges, and other tools to help ex-offenders successfully reintegrate.¹⁰ The notion of the bill has support from influential members of both parties, but funding has been an issue of contention for many Republicans on the Hill. The primary opponent to the Second Chance Act is Senator Tom Coburn (R-OK). The bill was voted on and passed in the House of Representatives and now must pass through the Senate. Senator Patrick Leahy (D-VT), the new chairman of the Judiciary committee, was able to get the bill passed through for the vote on the Senate floor. It needs enough support on both sides, however, to become law.

There is other pending legislation relating to ex-offenders that may or may not have an effect on recidivism if passed. The Civic Participation and Rehabilitation Act, if passed, will not provide any new federal programs for ex-offenders, but it will restore all ex-offenders their voting rights.¹¹ Many Americans are not aware that once inmates are released from prison, their voting rights are revoked. According to the statistics from “The Sentencing Project: Felony

⁹ “The Second Chance Act of 2005.” H.R. 1704. 109th Congress (2005).

¹⁰ Reentry Policy Council. “Second Chance Act.”

http://www.reentrypolicy.org/government_affairs/second_chance_act (Accessed December 4, 2007).

¹¹ GovTrack.us. “H.R. 1300 [109th]: Civic Participation and Rehabilitation Act of 2005”

<http://www.govtrack.us/congress/bill.xpd?bill=h109-1300> (Accessed December 1, 2007)

Disenfranchisement Laws in the United States”, out of 50 states and the District of Columbia, forty-eight bar felons from voting while incarcerated. The only two states that permit incarcerated felons to vote are Vermont and Maine. A total of thirty-five states deny ex-offenders the right to vote once they are out of prison and are on parole. Three states disenfranchise all ex-offenders who complete their sentence, and nine states disenfranchise on certain categories.

As a result of this disenfranchisement, one in forty-five adults, both male and female, have currently or permanently lost the right to vote. An estimated 5.3 million Americans are living as half citizens of their country because of mistakes made in the past. The result of this disenfranchisement was apparent in the 2004 elections in Florida which had 960,000 ex-offenders who were unable to vote. That is a significant number of voters considering that the nation’s capital, Washington, DC, only has 550,000 people who live in the entire city. Those 960,000 disenfranchised adults equates to a congressional district that was physically able to vote but was denied. Would the votes of these ex-offenders hold any political clout? Would they become a targeted group for politicians during a political campaign? Would these men and women become “somebody” worthy of acknowledgement? The psychological value of feeling worthwhile along with other basic needs being met such as employment with decent wages, could contribute to lowering the recidivism rate. The echo might be “I have a job with a reasonable salary. I can vote. I am a worthwhile person.” For some, however, restoration of voting rights might not make a difference. Would ex-offenders’ voting patterns be any different than the general citizenry who have no prison record? Would they harbor resentment or anger against one political party or would they behave similarly to the general citizenry? Would they

come together and form a political roadblock during elections? Although no studies were found on voting patterns of ex-offenders, it seems to raise reasonable questions for study.

The demographic breakdown of some of the disenfranchised felons is as follows: over 650,000 women, 2 million White Americans (Hispanic and non-Hispanic), and 1.4 million African American men.¹² The statistics for the number of African American men is particularly disturbing since they represent a small minority of the country. Regardless of one's ethnic or racial background, the right to vote represents full citizenship in our country, and from a psychological standpoint, reinstating that right might positively impact the recidivism rate by restoring to some degree, an ex-offender's self-esteem by its message of worthiness of being a citizen of the country.

Effect of Education on Recidivism

Some theories suggest that education plays a role in recidivism. The Reentry Policy Council found that 2 out of 3 ex-offenders don't have a high school diploma, and 40 percent have neither a diploma nor a GED.¹³ Only one of three ex-offenders received any type of vocational training at any point during their incarceration. An increase in education programs for inmates has been a suggested tactic for reducing the recidivism rate for ex-offenders for years. Many social scientists have conducted studies on this issue explaining the effects of education on recidivism; most have found positive results.

Linda Smith and Stephan Steurer conducted a study explaining education's positive effects on recidivism entitled "Education Reduces Crime: The Three-State Recidivism Study."

¹² "Felony disenfranchisement law in the United States." The Sentencing Project Research and advocacy for reform. <http://www.sentencingproject.org/PublicationDetails.aspx?PublicationID=335>. (Accessed April 15 2007)

¹³ Reentry Policy Council. "Report of the Reentry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community". New York: Council of State Governments. (2004).

In this study, correctional education participants and non-participants were compared in Maryland, Minnesota, and Ohio on a number of key socio-demographic and outcome variables.

¹⁴ The study's primary purpose was to evaluate the impact of correctional education on recidivism and post-release employment. The results of the analysis of all three states showed a significant decrease in recidivism for the participants of education programs. Smith made a number of key recommendations that could have a significant impact on recidivism in America. She recommended an increase in correctional education funding and enhancement of existing programs. She found that correctional education can be successful and that even a small difference in outcomes can have an impact on the recidivism rate. She recommended that there be a focus on more than just the reduction of recidivism as a measure of success of correctional education. There are other factors, she concluded, that are just as important in contributing to recidivism such as parole compliance, participation in substance abuse treatment, family reunification, and continued education. She contended that success in all those areas would lead to a successful transition from prison back to the community.

Some studies, however, have shown the opposite. Dennis Brewster and Susan Sharp conducted a study on the effectiveness of the recidivism programs in Oklahoma entitled, "Educational Programs and Recidivism in Oklahoma: Another Look." In their study they examined the link between an ex-offender's recidivism rate and both high school equivalency or GED programs and vocational-technical programs.¹⁵ They presented two hypotheses for their experiment. The first hypothesis stated that the completion of GED programs would be linked to a lower recidivism rate. They believed that vocational programs would have less clear-cut

¹⁴ Stephen J. Steuer and Linda G Smith "Education reduces crime: Three-state recidivism study executive summary". <http://www.ceanational.org/PDFs/EdReducesCrime.pdf> (Accessed August 10, 2007).

¹⁵ Dennis R. Brewster and Susan F. Sharp. "Educational Programs and Recidivism in Oklahoma: Another Look," *The Prison Journal* 82, no 3, (2002): 314-334.

effects because gender might be an issue. This realization regarding gender led them to make their second hypothesis. They believed that vocational-technical programs may be effective in increasing survival time for male offenders but not for female offenders. In their findings Brewster and Sharp found some interesting facts. They found that the completion of a GED program was associated with a lower recidivism rate, but the completion of a vocational program for both men and women resulted in a higher recidivism rate.¹⁶ These findings demonstrate the importance of funding recidivism programs and the importance of increasing a focus on rehabilitation as a means to reduce recidivism.

Miles Hayer of the Federal Bureau of Prisons advocated another form of education that could have an effect on reducing the recidivism rate of ex-offenders. In Hayer's 1995 study entitled, "Prison Education Program Participation and Recidivism: A Test of the Normalization Hypothesis," he analyzed a prison program called normalizing. Normalizing is a program to help prisoners become adjusted to prison life, reduce prisonization, and nurture prosocial norms that support rule/law abiding behavior.¹⁷ Using data collected from a group of federal prison releases who participated in prison education with an emphasis on normalization, Hayer tested his hypothesis that education would reduce recidivism in inmates once released. The results showed that his hypothesis was correct and the likelihood of recidivism decreased with education in prison. He interpreted the results as support for normalization programs, but he conceded that more research such as effectiveness of program types needed to be conducted.

Effect of Plea Bargaining

¹⁶ Ibid

¹⁷ Federal Bureau of Prisons. "Prison Education Program Participation and Recidivism: A Test of the Normalization Hypotheses." http://www.bop.gov/news/research_projects/published_reports/recidivism/orepredprg.pdf (Accessed August 21, 2007)

About 95% of all convictions in the United States are secured with a guilty plea, most of them through plea bargaining.¹⁸ Plea bargaining occurs when a prosecutor offers a deal to a defendant in exchange for a guilty plea. There are different types of pleas that a prosecutor could offer a defendant. One type is a charge plea in which the defendant pleads guilty to a lesser charge. An example of such a plea would be a defendant who is charged with burglary but then pleads guilty to attempted burglary. Another type of plea bargain is the sentence charge. This occurs when the defendant is told beforehand what his sentence will be. If he pleads guilty, the defendant then has the option of pleading guilty and facing the sentence or going to trial and face a possible unknown sentence.

Some argue that the reason so many ex-offenders are sent back to prison is the lack of proper representation during hearings. Timothy Lynch's article for the Cato Institute entitled, "The Argument Against Plea Bargaining," described a situation where plea bargaining actually worked against a defendant. In 1978, a defendant named Paul Lewis Hayes, an ex-offender from Kentucky, was indicted for attempting to pass a forged check for \$88.30. Passing a forged check carried a penalty of 2 to 10 years.¹⁹ The prosecutors recommended a sentence plea of five years if he waived his right to trial and pleaded guilty to the charge. The prosecutor made it clear that if he did not plead guilty and waive his right to trial, he would be subject to the plea and the state would be able to re-indict him under the Kentucky Habitual Criminal Act. Under that law Hayes would be subject to a mandatory sentence of life imprisonment since he had a previous record. Because he didn't take the plea, he received life in prison. Hayes appealed the decision all the way to the Supreme Court, but he was unable to have his case overturned. The Supreme

¹⁸ U.S. Department of Justice, Bureau of Justice Statistics, *State Court Sentencing of Convicted Felons, 2000*, 43 (2003)

¹⁹ Lynch, Timothy. "The Case against plea bargaining." <http://www.cato.org/pubs/regulation/regv26n3/v26n3-7.pdf> (Accessed December 11, 2007)

Court ruled against him 5-4 stating that he could have avoided the risk by simple pleading guilty and accepting the five years. The *Bordenkircher v. Hayes* Supreme Court case was seen as a “watershed moment” in the legal system, and it showed the importance and weight of the constitutional rationale for plea bargaining that states that there is “no elements of punishment or retaliation so long as the accused is free to accept or reject the prosecution’s offer.”²⁰ Many ex-offenders are placed in situations such as the one in which Hayes found himself. The ex-offender feels that his/her case is defensible, but their previous record prevents them from having a fair trial. The lawyer will often attempt to force the defendant into a plea situation which may or may not be the proper action.

Income plays a role in the ability of an ex-offender to get adequate defense. Most ex-offenders cannot afford lawyers so they are forced to stand trial using a public defender. Dean J. Champion conducted a study of 166 city and county prosecutors from Kentucky, Tennessee, and Virginia from 1981-1984. He found during that three year period prosecutors obtained 18,493 convictions with 15,522 coming from plea bargaining.²¹ That is roughly 84% of all convictions coming from plea bargaining and only 16% of convictions coming from trials. The results found that some of the primary factors resulting in the use of plea bargaining included prior conviction (recidivism) and social economic status. It was also found that forty-one percent of the defendants used private attorneys, and fifty-nine percent involved public defenders.

²⁰ Lynch, Timothy. "The Case against plea bargaining." <http://www.cato.org/pubs/regulation/regv26n3/v26n3-7.pdf> (Accessed December 11, 2007)

²¹ Dean Champion, "Probation Trends in Felony Cases: a Look At Prosecutorial Decision-Making in Plea Bargain Agreements" *Journal of Contemporary Criminal Justice* 3, No. 2, (1987): 25-37.

Statistics from Bureau of Justice

The Bureau of Justice released a report in 2003 called “Reentry Trends in the United States.” The report mentioned a number of eye opening trends in America that have developed in the last decade and a half. The report found that from 1990 to 2002 the annual state parole population grew at a slower rate than the state prison population. The increase in prisoners nearly doubled from 708,393 in 1990 to 1,277,237 at the end of 2002.²² The report also states that the rate of growth in the prison population slowed between 1999 and 2001 because of the rise in the number of releases from prison. During that time, state parole populations increased from 502,134 in 1990 to 670,169 in 2002. Together, both the state and prison populations grew by 2.4 in 2002, which was the largest increase for each group since 1992 and 1999 respectively. A total of 2,193,798 prisoners were held in Federal or State prisons or in local jails -- an increase of 2.7% from year end 2004, but less than the average annual growth of 3.3% since year end 1995.²³

Obviously, prisoners will one day finish their sentences and be released back into society, but they will need some sort of assistance to help them get re-adjusted. At least 95% of all state prisoners are released, and nearly 80% will be released to parole supervision. In a 2001 table documenting the top 50 counties in America with the most prison releases, Los Angeles County, California was listed as number one with 37,000 followed by Cook County, Illinois with 17,480. California, Florida, Illinois, New York, and Texas accounted for nearly half of all releases from state prisons in 2001.

²² Bureau of Justice Statistics. “Reentry Trends in the United States.” <http://www.ojp.usdoj.gov/bjs/reentry/reentry.htm>.(Accessed April 4 2007).

²³ Bureau of Justice Statistics. “Reentry Trends in the United States.” <http://www.ojp.usdoj.gov/bjs/reentry/reentry.htm>.(Accessed April 4 2007).

In addition, the Bureau of Justice found that since 1990, state parole success has remained unchanged. About 41% of prisoners successfully completed their term supervision, 42% were returned to jail, and 9% escaped custody.²⁴ These staggering numbers show a serious flaw in the system in place for these ex-offenders when they are released. The current support system for them needs to be adjusted to meet their requirements.

In the same study by the Bureau of Justice, as it was stated earlier, it was found in a 15 state study that 67.5% of prisoners that were released in 1994 were rearrested within 3 years. That was found to be a 5% increase compared to the statistics from 1983. In a similar study of re-convictions from 1983 to 1994, the change was not that significant but still troubling. Forty-six percent of prisoners released in 1983 were reconvicted. For drug offenses, the rate changed significantly between 1983 and 1994. The percentage increased from 35% in 1983 to 47% in 1994. It was also found that 51.8% of ex-offenders were sent back to prison because of a new crime or because of a technical violation of their parole.²⁵

They also reviewed the racial, gender and age make-up of ex-offenders. In 1999, the average age of parolees increased, but the racial and ethnic composition did not. Thirty-five percent of parole entries were white, 47% were black and 16% were Hispanic. The age of prisoners released increased from 31 years old in 1990 to 34 in 1999. In addition, an estimated 109,300 state prisoners who were 40 or older were paroled. What was particularly interesting about this study was the apparent drop in the percentage of black parole entries from 1990 to 1999 and the rise in white parole entries.

²⁴ Ibid

²⁵ Bureau of Justice Statistics. "Reentry Trends in the United States."
<http://www.ojp.usdoj.gov/bjs/reentry/reentry.htm>.(Accessed April 4 2007).

The profile of prisoners released in 1994 from prison in 15 states showed 91.3% male and 8.7% female. The data showed men being more likely to be rearrested (68.4%) than women (56.6%). But with the lower female prison population, they are less likely than men to return to prison with or without a new prison sentence. The rate of recidivism was 53.0% for men and 39.4% for females.

Early Programs for Ex-offenders

In the research conducted for this project, it was discovered that there have been many programs for ex-offenders that exist or have previously existed. Some programs have had success, but others were not as successful as once believed. According to the Visher, Winterfield and Coggeshall study entitled “Ex-offender Employment Programs and Recidivism: A Meta-analysis,” examples of such programs span back to the 1970s.²⁶ One of the earliest ex-offender programs was the Baltimore Living Insurance for Ex-prisoners (LIFE) experiment. In 1970, the U.S. Department of Labor acted on mandate from the Manpower Development and Training Act of 1962. The Manpower Development and Training Act provided programs that aided released prisoners with their search for employment after their release from prison. The hypothesis of the experiment was that income support for ex-offenders would reduce the likelihood of recidivism.

The experiment started in 1971. Four-hundred thirty-two prisoners that were considered high risk for recidivism and were to be released from Maryland State prisons and returned to Baltimore were randomly selected and assigned to four groups. One group received 13 weeks of payments of \$60 per week and received intensive job counseling and placement services. The second group received payments only. The third group was for those who received counseling

²⁶ Christy Visher, Laura Winterfield, and Mark B. Coggeshall. “Ex-offender employment programs and recidivism: A meta-analysis.” *Journal of experimental Criminology* 1(2005): 295-315.

and placement only. The final group and control group received neither payments nor counseling.

The results of the LIFE experiment found that the ex-offenders who received weekly cash payments of \$60 had the least amount of arrests in the first year than those in the unpaid uncounseled control group. When examining just arrests for theft, the largest number of arrests was for those study participants who did not receive job placement services along with the financial assistance. The experiment showed that ex-offenders who were at least 26 years of age were the least likely to be arrested than younger ex-offenders.

The results of the LIFE experiment prompted the Department of Labor to initiate the Transitional Aid Research Project (TARP).²⁷ This program offered ex-offenders varying levels of unemployment compensation and job placement assistance. It was thought to be successful until studies in Georgia and Texas demonstrated that no combination of job placement or income assistance played a role in reducing the chance of ex-offenders repeating their old behavior. During the week of December 10, 2007, a report on reentry programs in Kansas showed that the recidivism rate was significantly reduced when ex-offenders were placed in jobs that paid minimum to above minimum pay.

Again, using the study conducted by Visher, Winterfield, Coggeshall entitled “Ex-offender Employment Programs and Recidivism: A Meta-analysis,” a number of ex-offender programs were identified.²⁸ Started in 1964, Job Corps emphasizes academic and vocational preparation, but it provides some job placement assistance. This program is reserved for seriously disadvantaged people, mainly school dropouts. Since its inception, Job Corps has received up to \$1.3 billion from the U.S. Department of Labor and had enrolled around 60,000

²⁷ Christy Visher, Laura Winterfield, and Mark B. Coggeshall. “Ex-offender employment programs and recidivism: A meta-analysis.” *Journal of experimental Criminology* 1(2005): 295-315.

²⁸ Ibid

youth aged 16 to 24 in 1999. In 2000, an evaluation of the effectiveness of the program was conducted. In the experiment, random assignments were given to all applicants of Job Corps between November 1994 and February 1996. The control group was not allowed to sign up for the program for 3 years, but many of the applicants received some form of training elsewhere, often vocational training. The program's evaluation examined arrests that occurred over a 48-month period for a subgroup of 998 ex-offenders who were enrolled in the program as compared to ex-offenders in the control group.

The results of the evaluation found that there was hardly any difference in self-reported arrests between Job Corps participants with prior arrest records and the control group. The difference between the two groups was 1.3% for a group with prior arrests for non-serious crimes and 4.7% for a group with serious prior arrests. The data did not indicate any impact of the Job Corps program for those with prior arrests. They did find that alcohol consumption and hard drug use declined among Job Corps participants with a prior non-serious arrest.

Another early anti-recidivism program was Job Start. It was created in 1985 as an alternative approach to both Job Corps and the Job Training Partnership Act.²⁹ The purpose of the program was to provide to young, low-skilled high school dropouts, a combination of basic skills education, occupational training, and support services and job placement assistance.

An evaluation of the program was conducted using 291 male and female ex-offenders ages 17-21 whose arrest records were examined at 1 and 4 years after enrollment in the program. The results of the evaluation found no differences between the treatment and control groups at the end of 4 years. The difference was deemed insignificant because of the small sample size that was used.

²⁹ Christy Visher, Laura Winterfield, and Mark B. Coggeshall. "Ex-offender employment programs and recidivism: A meta-analysis." *Journal of experimental Criminology* 1(2005): 295-315.

The Department of Justice details another ex-offender program called the Prisoner Reentry Initiative.³⁰ This program, according to the Justice Department reentry website, states that:

“This initiative is a comprehensive effort that addresses both juvenile and adult populations of serious, high-risk offenders. It provides funding to develop, implement, enhance, and evaluate reentry strategies that will ensure the safety of the community and the reduction of serious, violent crime. This is accomplished by preparing targeted offenders to successfully return to their communities after having served a significant period of secure confinement in a state training school, juvenile or adult correctional facility, or other secure institution.”

This program is assisted by the Vera Institute of Justice’s Safe Return Initiative to³¹ assist ex-offenders to re-integrate back into society once their sentence is completed.

Certain states have their own unique and successful reentry programs. An example of such a program is Project RIO in Texas. The Texas Workforce Commission in collaboration with Local Workforce Development Boards, the Texas Department of Criminal Justice (TDCJ), the Windham School District, and The Texas Youth Commission (TYC) run Project RIO. It establishes a link for ex-offenders between education, training, and employment during incarceration with employment, training, and education after their release³². Project RIO is designed to reduce recidivism through employment. Studies on reentry in regards to this

³⁰ Office of Justice Programs. “Learn about Reentry.” <http://www.reentry.gov/learn.html>. (Accessed November 20, 2007)

³¹ Vera Institute of Justice. “Safe Return Initiative.” http://www.vera.org/project/project1_1.asp?section_id=1&project_id=27. (Accessed Apr 1 2007)

³² Project RIO “All About RIO.” http://www.workforcelink.com/html/rio/default_rio.html. (Accessed April 5, 2007).

program have shown reduced recidivism rates for employed ex-offenders. Even when one takes into account other factors such as age, risk score, race or ethnicity and type of previous offense, post-release employment reduced re-arrests and re-incarcerations.

Another local reentry program, which was established in Chicago, is called the Safer Foundation. The Safer Foundation helps formerly incarcerated individuals re-enter their communities. For more than 30 years, they have worked to reduce recidivism by helping people with records obtain employment and social services.³³

Founded in 1972, Safer was originally a program that served only Chicago and its surrounding areas, but in 1976, they expanded into Rock Island, Illinois, serving the needs of the entire state. Governor Robert Ray of Iowa invited Safer into his state after learning ex-offenders were seeking Safer's services across the border. Today the Safer Foundation continues to impress nationwide. It currently is the only non-profit private organization to manage adult transition centers for the Illinois Department of Corrections. Safer also provides secured oversight and services to over 500 males in two residential facilities located on the west side of Chicago.

The Federal Bureau of Prisons (BOP) set up a number of programs to help ex-offenders re-enter society. One such reentry program is simply called the Bureau of Prisons Release Preparation Program.³⁴ This program began in 1996 with the mission of reducing ex-offender recidivism. Since its inception, the BOP has not conducted any studies to determine if the program has successfully prevented recidivism. They also do not track the percentage of inmates that successfully complete the Release Participation Program at the prison before their release.

³³ "Safer Foundation "History." <http://www.saferfoundation.org/viewpage.asp?id=4>.(Accessed April 5, 2007)

³⁴ United States Department of Justice. "Executive Summary: The Federal Bureau of Prisons Inmate Release Preparation and Transitional Reentry Programs." <http://www.usdoj.gov/oig/reports/BOP/a0416/exec.htm>.(Accessed April 28, 2007)

Since no real data is available about the success or failure of this program, one cannot say if it is a failure or a success.

Another program that is offered by the BOP is the Community Corrections Center (CCC).³⁵ Most Americans know CCC by its more common name, *halfway houses*. A study by the BOP found that CCC placement increases ex-offenders chances of successful reentry. One of the Bureau of Prisons' tactics for the success of the halfway house is to set up minimum, low, and medium security institutions. By doing this, they can separate the prisoners by the greatest risk they present to the community and each other. It also is a good tactic to determine recidivism for the inmates. The prisoners with the highest risk of recidivism tend to be the ones who commit the most severe crimes.

An audit of this program by the Department of Justice's Office of the Inspector General revealed that the BOP has not effectively established an employment target for the high security CCC institutions, which have the greatest need. As stated before, these prisoners have the greatest risk for committing another crime once their time in the CCC is finished. The establishment of a CCC utilization target is one of the many recommendations that were made to the BOP in the audit report on their ex-offender programs.

Overview of the Methodology

In this thesis an analysis of recidivism programs will be conducted in three states in the country. It will be similar to Linda Smith's study entitled, "Education Reduces Crime: The Three-State Recidivism Study." This study will primarily focus on reentry programs offered through the State Department of Corrections. The three states selected for this study have been

³⁵ United States Department of Justice. "Executive Summary: The Federal Bureau of Prisons Inmate Release Preparation and Transitional Reentry Programs." <http://www.usdoj.gov/oig/reports/BOP/a0416/exec.htm>.(Accessed April 28, 2007)

chosen according to the success of their reentry programs as identified by experts in the field such as Mark Mauer of the Sentencing Project, various individuals in the Urban Institute, and the Department of Justice.^{36 37 38} Michigan, which was labeled as having a successful reentry program, will be compared to the programs in Maryland which has a moderately successful reentry program. The third state, California, has been identified as a reentry program that is in need of change. That is not to say that California has the worse reentry program in the nation, but from all of the interviews conducted and research available for this project, California was state that was mentioned the most in regards to a state needing change in their reentry system. After an in-depth analysis of the recidivism programs in these three states, the data from each will be compared to each other and recommendations will be presented after the findings.

Significance of the Study

As stated before the issue of recidivism has been a heavily debated topic for decades. There have been many studies on why recidivism occurs and who is at risk to recidivate. Many of those studies have been cited previously. However, there has not been an evaluation of how to correct problems associated with the rehabilitative efforts of reentry and recidivism prevention programs using a comparison between state programs. The three-state analysis technique has been used in many other experiments but not as in-depth as the technique that will be used in the paper. Data from state prisons and reentry programs from three different states will be analyzed and compared.

³⁶ Mark Mauer (Executive director of the Sentencing Project)

³⁷ Interview with reentry experts at the Urban Institute

³⁸ Interview with experts at the Department of Justice

This study will examine the success and failures of these programs and make suggestions for change. The recommendations section of this thesis will be of interest to federal organizations such as the Federal Bureau of Prisons and the Department of Justice who control most of the federal recidivism programs in the nation.

Chapter 2

Causes of Recidivism

Causes stemming from Poverty

It has been said that poverty is one of the leading causes of crime in America and around the world. However, there are several factors, along with poverty, that contribute to initial crimes, and unfortunately, the same factors contribute to the recidivism and reentry rate. Some of those factors are unemployment, substance abuse, unstable communities, mental and physical health issues, housing issues, family issues, poor legal defense, and some laws.

Unemployment

Prisoners have indicated that finding a job is an important factor for them to stay out of jail³⁹. Unfortunately, when many of these men and women are released, they are not employed. Many employers are not eager to hire an ex-offender. A survey conducted by Holzer et al. asked employers from four major cities if they would accept an applicant with a criminal record. Sadly only 12.5% of employers said that they would definitely accept such an application, and about 26% said that they probably would.⁴⁰ Even if an employer were eager to hire an ex-offender many lack even the basic education to get a minimum wage job. In Maryland it was found that only 42% of prisoners had a high school diploma and 45% had been fired from a job at least

³⁹ Urban Institute. "Returning Home: Understanding the Challenges of Prisoner Reentry Maryland Pilot Study: Findings from Baltimore" http://www.urban.org/UploadedPDF/410974_ReturningHome_MD.pdf (Accessed April 5, 2007)

⁴⁰ Harry J. Holzer, Steven Raphael and Michael A. Stoll "Will Employers Hire Ex-Offenders? Employer Preferences, Background Checks, and Their Determinants." <http://repositories.cdlib.org/cgi/viewcontent.cgi?article=1023&context=iber/bphup> (Accessed December 1, 2007).

once before they were incarcerated. Nationally, 46 % of incarcerated individuals have a high school diploma or its equivalent, as compared to 82 percent of men aged 18 to 34 in the general population.⁴¹ All of these statistics make reentry that much more stressful for ex-offenders who are serious about starting a new crime-free life.

One tactic that a prison could use to assist ex-offenders with their job search after their release would be to offer some sort of employment assistance. In fact assistance in finding jobs is one of the needs ex-offenders cite the most after their release.⁴² Unfortunately in many studies, it was found that few prisoners receive employment related-training in prison or assistance. Studies also found that while incarcerated, about 1/3 of Maryland ex-offenders had participated in some sort of employment readiness program and ¼ participated in a job training program. Though those findings indicate that some progress was made in prison rehabilitation programs, more needs to be done. For the prison to have only 25% of ex-offenders leaving with some sort of job-training means that 75% have nothing to show once they leave prison. Ex-offenders from Maryland who had a work release job while in prison were found to be the most likely to be fully employed after prison. This finding shows the need for more prisons to divert resources to this area. Finding and maintaining employment after prison could be the key to stop recidivism in ex-offenders. It was found in Illinois that those who were not employed after their release were more likely to be re-incarcerated after their release.⁴³

⁴¹Bureau of Justice Statistics, *Education and Correctional Population*. <http://www.ojp.gov/bjs/pub/pdf/ecp.pdf> (Accessed December 14, 2007)

⁴² Urban Institute, "Instituting Lasting Reforms for prisoner Reentry in Philadelphia" http://www.urban.org/UploadedPDF/411345_lastingreforms.pdf (Accessed February 4, 2008)

⁴³ Sheilli B. Rossman and Caterina G. Roman, "Case Managed Reentry and Employment: Lessons from the Opportunity to Succeeds Program," *Justice Research and Policy* 5, no 2(2003):75-100.

Education

It will be exceptionally difficult for anyone, especially an ex-offender, to find a job that will support them without even a high school diploma. This leads to an important issue that concerns ex-offenders, education. As stated before 46% of incarcerated individual have a high school diploma. The chances of these formerly incarcerated men and women without high school diplomas finding a well paying job are slim. The prison system can be held partly responsible for the lack of education of the individuals once they leave prison. About half of states' prison population participates in some sort of educational program during their incarceration, but that number has been decreasing over time.⁴⁴ This seems odd since education is so prevalent in the prison system. All federal prisons, 91 percent of state prisons, 88 percent of private prisons, and 60 percent of jails offer some type of educational program.⁴⁵

There could be a number of reasons for the decrease in the number of prisoners enrolling in these programs. One reason could be a lack of funding which is common for most programs offered by state and local governments. Another reason for a decrease in participation could be linked to frustration by the inmates. Education programs are often in high demand from the inmates which creates a waiting list for many of the programs offered.⁴⁶ In just the state of Maryland at the end of 2001, there were 1,500 inmates on the waiting list to get into a vocational or educational program in the state prison system. In the local jail system, statistics get bleaker for inmates, with only five percent of jail jurisdictions offering any type of vocational training.

⁴⁴ Bureau of Justice Statistics, *Education and Correctional Population*, <http://www.ojp.gov/bjs/pub/pdf/ecp.pdf> (Accessed December 14, 2007)

⁴⁵ The Urban Institute. "A Portrait of Prisoner Reentry in Maryland". http://www.urban.org/UploadedPDF/410655_MDPortraitReentry.pdf (Accessed November 18, 2007).

⁴⁶ id

Thirty-three percent offer no educational or vocational training at all.⁴⁷ These inmates have a desire to better themselves in prison before they are released, but unfortunately under the current system, not all can receive the education that they desire. Studies have shown that correctional education can have a positive effect on lowering the recidivism rate.⁴⁸ More funding of these programs is needed in order to assist all who request it.

Substance Abuse

Unemployment, of course, leads to other problems that may increase the likelihood of a person to commit a crime or be imprisoned because of their drug habit. The Bureau of Justice Statistics found in their study on drugs and crime that in 2002 about a quarter of convicted property and drug offenders in local jails had committed their crimes to get money for drugs. That is an important statistic considering that 5% of violent and public order offenders were incarcerated during this time.

In 2004 it was found that 17% of state prisoners and 18% of federal prisoners were incarcerated because they committed a crime to obtain money to support their drug habit. Many of these individuals are on drugs when they enter jail and continue their habit once they are released. The most recent survey on ex-offenders and substance abuse treatment found that in 1997, one in ten ex-offenders from state prisons reported that they were receiving some sort of treatment for substance abuse which was down from 25% in 1991.⁴⁹

⁴⁷ Bureau of Justice Statistics, “*Census of Jails 1999*”. <http://www.ojp.usdoj.gov/bjs/pub/pdf/cj99.pdf> (Accessed September 21, 2007).

⁴⁸ Stephen J. Steuer and Linda G Smith “*Education reduces crime: Three-state recidivism study executive summary*”. <http://www.ceanational.org/PDFs/EdReducesCrime.pdf> (Accessed September 21, 2007).

⁴⁹ Reentry Policy Council. (2004) *Report of the Reentry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community*. New York: Council of State Government

An interesting statistic from the research gathered for this project found that race or gender had no real impact on the drug use of inmates or ex-offenders. Age played more of a factor than anything in drug use among ex-offenders and inmates. The research showed that inmates age 44 and under reported rates of drug and alcohol use significantly lower than older inmates.⁵⁰

Offering substance abuse programs in-prison for ex-offenders has shown to produce positive outcomes in the past for recidivism reduction.⁵¹ Substance abuse programs have also been credited with reduced use of injection drugs and fewer hospital visits related to drugs or alcohol. The ex-offenders who are said to benefit the most from these programs are the ones who participate in both prerelease and post release treatment.⁵² The effect on their recidivism, according to a 1999 report by Gerald Gates, is said to be 9 to 18 percent lower than those who did not participate in the treatment programs. This same group of ex-offenders who were treated by in-prison programs have a 15 to 35 percent lower drug relapse rate compared to the non-treated group.⁵³

Probably the most interesting finding is that the money spent on these treatment programs may actually lead to a profit in the long run. Gerstein et al. in their book, *Evaluating Drug Recovery Services: The California Drug and Alcohol Treatment Assessment*, found that treating offenders for \$209 million saved taxpayers more than \$1.5 billion 18 months later. The largest savings was due to money saved on resources normally spent on law enforcement. They

⁵⁰ Reentry Policy Council. (2004) *Report of the Reentry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community*. New York: Council of State Government

⁵¹ Gerald G. Gaes, Timothy J. Flanagan, Laurence L. Motiuk and Lynn Stewart. "Adult Correctional Treatment" *Crime and Justice*, Vol. 26, Prisons (1999):361-426.

⁵² Lana D. Harrison, "The Revolving Prison Door for Drug Involved Offenders: Challenges and Opportunities," *Crime and Delinquency* 47, no. 3 (2001).

⁵³ Gerald G. Gaes, Timothy J. Flanagan, Laurence L. Motiuk and Lynn Stewart. "Adult Correctional Treatment" *Crime and Justice*, Vol. 26, Prisons (1999):361-426.

estimated in their study that for every \$1 spent on treatment, approximately \$7 could be gained in future savings.⁵⁴ This finding could be used as support for future funding of rehabilitation substance abuse programs on the federal, state, and local level.

Community of the Ex-offender

An often overlooked fact by many researchers on recidivism and reentry is the state of the community from which these ex-offenders come. Many of these men and women return from miserable conditions of prison life to an equally miserable condition once they return to their homes. Normally these individuals return to an urban area that has a high unemployment and crime rate. High concentrations of these ex-offenders are returning to a small number of cities in each state which has an effect on every aspect of community life in these areas.⁵⁵ One would not be in error to blame returning ex-offenders for many of these negative problems in the community. In fact, some research blames the destabilization of these communities on the high arrest rates and reentry of residents.⁵⁶ Most of America's major urban centers are the destination for a majority of ex-offenders once they are released from prison.

In the Urban Institute's study on reentry entitled, "Returning Home", newly released ex-offenders in selected states were interviewed and analyzed. The results of the study further illustrated the plight of urban centers in America and showed that most ex-offenders returned to similar areas in each state. For example, it was found that Chicago and Baltimore receive about a half of all ex-offenders released from Maryland and Illinois prisons. In Houston, one of the

⁵⁴ Dean R. Gerstein et al., *Evaluating Drug Recovery Services: The California Drug and Alcohol Treatment Assessment (CALDATA)*, State of California, Department of Alcohol and Drug Programs (Sacramento, CA., 1994).

⁵⁵ Urban Institute. "Prisoner Reentry in Perspective" http://www.urban.org/UploadedPDF/410213_reentry.PDF (Accessed December 16, 2007).

⁵⁶ Todd R. Clear, Dina Rose and J.Ryder, "Incarceration and the community: The Problem of Removing and Returning Offenders," *Crime and Delinquency* 47, no.3 (2001):335-51.

largest cities in Texas, 25 percent of the prisoners from the state prison were sent back to the city after their release. When these ex-offenders return to their homes, they find a number of the same individuals they had contact with in prison and a number of people they had contact with before they were incarcerated. Some of these individuals may be a good influence on them, but most probably are not. The combination of a lack of opportunity in a low income environment and the lure of easy money from shady individuals in an unstable environment increase an ex-offender's chance of recidivating.

The Health of Inmates and Ex-offenders

Most people might not think about an ex-offender's health as a reason for them to recidivate, but it is true. The Urban Institute's study on prisoner reentry entitled, "Returning Home," found that securing health care is a major concern for ex-offenders. In fact, in their survey of ex-offenders, about seventy-five percent of respondents indicated they would need assistance securing health care once they were released. They need money to pay for their own health care.

Mental Health

A statistic that should be of particular concern is the number of ex-offenders that have been diagnosed with a mental disorder. The number has been shown to be significantly higher than that of the rest of the nation. In state prisons about 20 to 30% of all inmates have some sort of anxiety disorder, between 6 to 12% have post traumatic stress disorder, between 18-19% suffer from major depression, between 2-5% are bipolar, 8-12% suffer from dysthymia and about

2-4% have schizophrenia or another psychotic disorder.⁵⁷ It was also found by the Office of Juvenile Justice and Delinquency Prevention that approximately 20 percent of youth in the juvenile justice system have serious mental health problems, and a significant number have co-occurring mental health and substance abuse disorders. If those statistics are not alarming enough, one should take into consideration that not many jails offer mental health assistance to their inmates.

Thankfully, since the passing of the Mentally Ill Offender Treatment and Crime Reduction Act in 2004 which provided improved access to mental health services for adult and juvenile non-violent offenders, significant achievements have been made, but much still needs to be done. It should be noted that the access to the mental health services are only for non-violent offenders. The law defines a non-violent offense as “an offense that does not have as an element the use, attempted use, or threatened use of physical force against the person or property of another or is not a felony that by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense”⁵⁸ By denying these services to violent offenders as well as non-violent offenders, money will be saved in the long run, but opportunities to treat these men and women and possibly prevent future crime due to their unstable mental condition, has been lost.

Another health issue of concern for inmates is the lack of medication for their health conditions. The Urban Institute’s study, “Returning Home,” found that in Illinois, while 30 percent of the ex-offenders in their study suffered from a mental illness, only 12 percent stated

⁵⁷ National Commission on Correctional Health Care. 2002. Chapter 3, "Prevalence of Communicable Disease, Chronic Disease, and Mental Illness" in *The Health Status of Soon-to-be-Released Inmates: A Report to Congress I, (2002)*.

⁵⁸ Mentally Ill Offender Treatment and Crime Reduction Act, Public Law No: 108-414 (2004).

that they received medication while in prison.⁵⁹ This speaks volumes about the quality of care the individuals are receiving in prison. Vicher's, "In Need of Help" (2005), looked at the service delivery system in Cincinnati for former prisoners with mental and medical health problems. The study included the collaborations between local, state service providers, federal agencies, and the organizational barriers to service delivery for this population. The findings showed that prisoners experienced long waits for a doctor, and high levels of insensitivity, and uncaring treatment from the hospital staff. Granted these men and women have been convicted of a crime, sometimes heinous, but they should still be guaranteed the same treatment any other human being receives.

When reviewing studies such as these, one could begin to make the argument, perhaps legitimately, that the treatment of prisoners' health concerns is not their number one priority. The question then comes to mind, should it? The argument could be made that prisoners are incarcerated for a reason and tax dollars should not be wasted on helping an individual who has committed a crime against society. Murderers, rapists, and child molesters are the individuals that many would argue don't deserve the care or sympathy of a doctor since they did not give the same sympathy to their victims. However, the argument could also be made that, unless these individuals are serving life sentences, they will one day be released, and if they did not receive proper medical treatment, they will need access to health care. According to some studies, that could present a problem. In Illinois it was found that less than 10 percent of prisoners received referrals to health care or mental care in the community once they were released. When comparing state and federal prisons, the Bureau of Justice Statistics found that state prisoners were the most likely to suffer from some sort of mental illness. They found that 24% of state

⁵⁹ Urban Institute. "From Prison to Home: The Dimensions and Consequences of Prisoner Reentry" http://www.urbaninstitute.org/UploadedPDF/from_prison_to_home.pdf. (Accessed November 18, 2007).

prisoners suffered from a mental health illness as compared to 14% of federal prisoners. Since there are more prisoners in the state prison system than in the federal prison system, that statistic is especially disturbing.

Another statistic that is of interest is the demographic makeup of the majority of the prisoners or ex-offenders who suffer from a mental illness. It was found that 73% of women in state prisons suffer from a mental illness compared to 55% of men.⁶⁰ Normally when people picture an inmate with a mental illness, they do not think of women. These statistics seem to shatter many stereotypes once held about prisoners. In a number of studies on recidivism or on the prison system, female prisoners are regarded as just a minor footnote since they are considered less of a threat than men. The reality is starkly different. Since 1990 the number of female defendants convicted of felonies in state courts has grown at more than two times the rate of increase in male defendants.⁶¹ In federal prisons the results were similar to state prisons with a rate of 61% for females and 44% for males. Why this occurs in women is unknown, but in the Bureau of Justice Statistics study, it was found that women are diagnosed with a mental illness almost three times the rate of a male prisoner.⁶² It was also found that in 1996 the average sentence and time served for women was shorter than for males with equivalent offenses. This statistic makes them of particular concern for a study on recidivism. The 1996 statistic is from the most recent study on women offenders which indicates that more research needs to be conducted in this area.

The statistics for prisoners with a diagnosed mental health condition is equally as fascinating when race, ethnicity or age is brought into account. In state prisons 62% of white

⁶⁰ Bureau of Justice Statistics. "Mental Health Problems of Prison and Jail Inmates." , <http://www.ojp.usdoj.gov/bjs/pub/pdf/mhppji.pdf>. (Accessed November 20, 2007).

⁶¹ Bureau of Justice Statistics. "Women Offenders." <http://www.ojp.usdoj.gov/bjs/pub/pdf/wo.pdf> (Accessed June 15 2007)

⁶² Id

prisoners are diagnosed with a mental illness as compared to 55% of black and 45% of Hispanics. In local jails the demographic breakdown by race is even more intriguing. Seventy-one percent of whites, 65% of blacks, and 53% of Hispanics were found to have a mental illness.⁶³ These statistics are interesting since most of the studies conducted on race and mental illness focus on the African-American or Hispanic community. The statistics show that there is a high percentage of white inmates diagnosed with a mental illness that are being ignored by most scholarly research. Like the statistics on women, it is not known why the numbers are so high, but more research on mental illness in whites in prison needs to be conducted.

As stated earlier age plays an important role in the diagnosis of a mental illness in an inmate. It was found that inmates under the age of 24 had the highest rate of mental health problems and those ages 55 or older had the lowest rate. When the Bureau of Justice Statistics examined state prisons, they found that an estimated 63% of those ages 24 or younger had a mental health problem compared to 40% of those age 55 or older. An estimated 70% of local jail inmates ages 24 or younger had a mental health problem compared to 52% of those age 55 or older. Nearly a quarter of both state prisoners and jail inmates who had a mental health problem had served three or more prior incarcerations compared to a fifth of those without.

Physical Health

It isn't just mental health that is of concern to ex-offenders. Just like everyone else, they have general conditions of which they must be concerned. According to the Bureau of Justice Statistics,' Deaths in Custody Reporting Program, the two leading causes of death in inmates in

⁶³ Bureau of Justice Statistics. "Mental Health Problems of Prison and Jail Inmates." , <http://www.ojp.usdoj.gov/bjs/pub/pdf/mhppji.pdf>. (Accessed November 20, 2007).

state prisons from 2001-2004 was heart disease and cancer.⁶⁴ The cost to treat a cancer patient in America, according to the National Cancer Institute, is \$33,248 for a patient not enrolled in a previous clinical trial and \$35,418 for those who had participated in a trial.⁶⁵

Why is the cost to treat patients who enrolled in a clinical trial more than those not enrolled in a trial? NCI explains that the increase in cost to those individuals who are enrolled in a clinical trial program are attributed to the number of doctor visits, the expensive tests, and the number of pathology reports they receive as compared to the non-enrolled patients. Timing of treatment had something to do with the increase in cost for the enrolled patients. Patients who participate in trials during the early phases of the treatment tend to be sicker than those in the later phases and require more aggressive treatment.

Cancer accounts for 23% of all deaths in prison and heart disease accounts for 27%. The 27% death rate includes all heart conditions including heart attacks. This statistic is not so surprising considering that two-thirds of all prison deaths occur in inmates over the age of 45. It is no secret that the risk of heart attack increases with age. The American Heart Association states that some of the risk factors for heart disease, among other factors, include age and gender.⁶⁶ Taking that into consideration, it is then not surprising that inmates ages 45 or older, who comprised 14% of state prisoners from 2001 to 2004, accounted for 67% of all inmate deaths over the same period.⁶⁷ Inmates ages 65 and up, according to the same study, only made up 1% of the prison population, but they have a mortality rate 3 times higher than those inmates ages 55-64. Complicating matters for inmates is that the risk of death from illness increases for

⁶⁴ Bureau of Justice Statistics. "Medical Cause of Death in State Prison 2001-2004." <http://www.ojp.usdoj.gov/bjs/pub/pdf/mcdsp04.pdf> (Accessed July 10, 2007)

⁶⁵ National Cancer Institute. "Cost of Treating Cancer Patients in Clinical Trials Just Slightly Higher" <http://www.cancer.gov/clinicaltrials/developments/notcostly0603> (Accessed February 14, 2008).

⁶⁶ American Heart Association. "Risk Factors and Coronation" <http://www.americanheart.org/presenter.jhtml?identifier=4726> (Accessed February 14, 2008).

⁶⁷ Bureau of Justice Statistics. "Medical Cause of Death in State Prison 2001-2004." <http://www.ojp.usdoj.gov/bjs/pub/pdf/mcdsp04.pdf> (Accessed July 10, 2007).

every year spent in prison. Ironically, it was found that AIDS, which most Americans see as a long term-illness, shows the smallest increase in deaths among inmates.

AIDS in the prison system is an issue, but for 94% of cases reported in prison, it is a pre-existing condition. It was reported that as of December 31, 2005, 1.8% of state inmates, and 1.0% federal inmates were infected with HIV or had confirmed AIDS. When the final numbers came in, it was confirmed that a total of 22,480 inmates had HIV or AIDS which was a slight decrease from 22,936 inmates in 2004.⁶⁸ This downward trend of HIV/ AIDS case has been continuing since 1999. For every 100,000 state inmates, 13 died from AIDS-related causes. Some may see that statistic and think that AIDS is not a problem for prisons, but a closer look at the state prison statistics show otherwise. AIDS-related deaths accounted for nearly 1 in 20 deaths reported in state prisons.⁶⁹ When the death rate is broken down into regions, New York reported the largest number of AIDS-related deaths with 19, followed by 17 in Florida.⁷⁰ When compared to the rest of the country, the Northeast reported the highest rate of AIDS related deaths with 28 deaths per 100,000 inmates, followed by the South with 13 AIDS related deaths per 100,000 inmates.⁷¹ While reporting death can never be considered “good” news, the rate of death has decreased as stated earlier. When examining federal inmates, however, no good news was obtained in 2005. Twenty-seven (27) inmates died from AIDS-related causes. There were 18 in 2004. It has been reported that AIDS-related deaths accounted for 7% of all deaths in federal prisons.⁷²

⁶⁸ Bureau of Justice Statistics. “HIV in prisons, 2005” <http://www.ojp.usdoj.gov/bjs/pub/pdf/hivp05.pdf> (Accessed October 20, 2007)

⁶⁹ *ibid*

⁷⁰ *ibid*

⁷¹ *ibid*

⁷² *ibid*

What exactly does all of this mean for ex-offenders? As stated before 94% of all inmates entered jail already infected with the HIV/AIDS virus. A number of these individuals committed crimes to get money for expensive medicine or treatment. There is no cure for AIDS. If they enter prison with the virus, unless a cure is found, before they leave prison, they will leave prison still infected with the virus. These ex-offenders will need access to the proper health insurance plan that will allow them to obtain the treatment necessary to stay healthy.

Financial Needs for Ex-offender's Health Care

For a newly released ex-offender who would not have the money to access any of these treatments, these findings are particularly troubling. During the Urban Institute's study on reentry in Maryland and Illinois, it was found that from four to six months after an inmate's initial release, only between 10-20% of ex-offenders had access to some form of health insurance. For an ex-offender with no job and no health insurance, the chances of them obtaining medicine or proper treatment for the medical condition are slim.

Housing Needs of Ex-offenders

The first major challenge an ex-offender must face when released back into society is finding affordable and secure housing. This is vital first step has the potential to make or break the future of an ex-offender. Many returning offenders formerly were or will become homeless because of their inability to find secure housing. The statistics for an ex-offender to become

homeless are alarming. It has been found that 12 percent of returning prisoners were homeless both before and after incarceration.⁷³

Homelessness in Ex-offenders

The question law and policy makers need to answer is: How to prevent homelessness in ex-offenders? To effectively answer that question would require a completely new study separate from a study of recidivism. However, a brief overview of a couple of studies could properly illustrate the problem for a better understanding of why this phenomenon occurs.

The Vera Institute's 2003 study on homelessness found three primary reasons why ex-offenders end up homeless.⁷⁴ The first reason is that ex-offenders have to contend with the same economic and social issues that lead to homelessness in the general population. These issues negatively impact the ex-offender population in particular since they are already at a disadvantage for finding a job. Employers who are already cautious about hiring an ex-offender in a good economy will be especially nervous about hiring an ex-offender during a period when the economy is in question. The hiring and firing of an employee for small businesses or large corporations can be costly, and in a time when businesses are trying to cut costs in any way possible, having to fire an employee because they had a relapse into a previous criminal activity is not a risk they are willing to take. Second, the public housing laws and the inability to find housing have an impact on the homelessness rate. This phenomenon will be discussed in greater length later in the chapter since lack of housing is probably the leading factor for an ex-offender

⁷³ Urban Institute. "Taking Stock Housing, Homelessness and Prisoner Reentry." http://www.urban.org/UploadedPDF/411096_taking_stock.pdf (Accessed October 29, 2007)

⁷⁴ Vera Institute. "Preventing Homelessness Among People Leaving Prison." http://www.vera.org/publication_pdf/209_407.pdf (Accessed November 1, 2007)

to be homeless. The third reason identified by the Vera Institute's study faulted the government and community organizations for not acknowledging the problem.

The Vera Institute states that since correction agencies are not entirely responsible for inmates once they are released, the correction agencies don't feel the responsibility other agencies feel. Agencies that are primarily responsible for the ex-offenders don't necessarily have the funding or manpower to supervise these individuals. Parole agencies that are under funded and understaffed and have little experience in brokering housing or developing or managing residential facilities, are the ones who are charged with supervising the ex-offenders in the community. Homeless service agencies are often cautious not to accept too many ex-offenders into their care because of fear they may be overrun with them. Like the parole agencies, homeless service agencies work with a small budget and a small staff. An overload of ex-offenders could cripple their entire budget. In areas without a homeless service agency, a local social service agency will assist the homeless. Their services are spread thinner than that of the parole agency, homeless agency, and the social service agency. They are not just under funded and understaffed; they have other priorities such as child welfare and public assistance to which they must attend to as well as dealing with the homeless.

The threat of these homeless ex-offenders recidivating is of significant concern. No study on the national recidivism level has been conducted, but studies of ex-offenders in large metropolitan areas have produced alarming findings. One study focusing on ex-offenders in New York City from 1995-1998 found that within two years of release, 11.4% of the study group entered a NYC homeless shelter and 32.8% of this group was again imprisoned.⁷⁵ The reasons for the recidivism rate being so significant for the ex-offenders included time since prison release

⁷⁵ Stephen Metraux and Dennis P. Culhane, "Homeless Shelter Use and Reincarceration Following Prison Release: Assessing the Risk," *Criminology & Public Policy* 3, no. 2 (2004).

and history of residential stability as the most salient risk factors related to shelter use. It was also found that shelter use increased the risk of recidivism.

Public Housing Laws

Ex-offenders are often banned from utilizing public housing. Federal laws give most housing agencies the option of banning individuals who have criminal records from their properties. These housing agencies will often consider the individual's entire criminal history, even the charges that never led to a conviction.⁷⁶ In 47 states individual determination on an applicant's criminal record and evidence of rehabilitation are used to make a decision on housing, and in three states individuals with an extensive criminal record are banned.

One might be inclined to speculate that denying public housing to an American citizen because of their criminal history is illegal. How can an organization deny housing to a person for past crimes? Title VIII of the Civil Rights Act of 1968, better known as the Fair Housing Act, was enacted to prohibit discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions based on race, color, national origin, religion, sex, familial status, and handicap. One would think that it also covered criminal history as well. Though it may sound wrong, it is actually perfectly legal. 42 U.S.C. § 13661(c) inadvertently creates a loophole in the act which gives the public housing agencies the ability to deny ex-offenders' applications for housing at their discretion. The law states:

“Individuals who have engaged in (1) any drug-related criminal activity; (2) any violent criminal activity; or (3) any other criminal activity that would adversely

⁷⁶ Paul Samuels and Debbie Mukamal. “ After Prison: Roadblocks to Reentry: A Report on State Legal Barriers Facing People with Criminal Records” *Open Society Institute* (2004).

affect the health, safety, or right to peaceful enjoyment of the premises if the criminal activity occurred at a “reasonable” time before the person seeks admission.”⁷⁷

This creates a large loophole in the law since the statute does not say how recent a conviction must be to qualify as a “reasonable” basis for denying housing. A Public Housing Agency could feel that newly released ex-offenders are too much of a risk and deny them housing because the crime did not occur at a reasonable amount of time before the ex-offender sought admission. Ex-offenders who have been free for 2 years could be denied since the statistics show that ex-offenders who recidivate do so within 3 years. The fuzzy timeline makes obtaining housing that much more difficult for these individuals who already have everything going against them. Further complicating matters 42 U.S.C. § 13661(b). states:

“Any household with a member who is currently abusing alcohol in a manner that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents or is illegally using drugs is ineligible for public, Section 8 or other federally assisted housing.”⁷⁸

It has been documented that many ex-offenders have substance abuse problems. This section of the law is just another obstacle for ex-offenders to overcome their path to successful reentry back into society. But yet it des serve as an incentive to stop abusing alcohol and drugs.

These statistics and findings are most troubling for the future of ex-offenders and for those in the justice system who wish to reduce the recidivism rate in America. Unfortunately,

⁷⁷ Authority to deny admission to criminal offenders. U.S.C. § 13661(c)

⁷⁸ Ineligibility of illegal drug users and alcohol abusers U.S.C. § 13661(b)

finding housing was identified by ex-offenders as one of the primary factors that would keep them out of prison in the future.⁷⁹ Many ex-offenders do not have specific plans about where they will stay once they are released.

In the Urban Institute's "Returning Home" study, they found that a majority of ex-offenders were planning to live with family members or a significant other. That living situation, of course, can only be a temporary one. Unless ex-offenders are married to their significant other or they have an understanding or charitable family, these individuals will need their own space to start their own life as soon as possible. It was found that most ex-offenders' initial living arrangement lasts anywhere from a few weeks to 8 months.⁸⁰ In a survey of newly released ex-offenders in Maryland, it was found that over half of the respondents expected to leave their current location within weeks or months. Moving from place to place is not an uncommon phenomenon for an ex-offender. That makes it even more difficult for them to find employment.⁸¹ Knowing this information, the need for ex-offenders to have access to affordable housing becomes even more important.

Housing for Mentally Ill Ex-offenders

Mentally ill ex-offenders have a particularly difficult time finding housing and keeping out of prison. Thousands of prisoners exit every year from prisons and jails in America. Many of them have not received proper care while incarcerated, have substance abuse problems, and

⁷⁹ Understanding the Challenges of Prisoner Reentry: Research findings from the Urban Institute's Prisoner Reentry Portfolio

⁸⁰ id

⁸¹ Urban Institute. "Returning Home: Understanding the Challenges of Prisoner Reentry Maryland Pilot Study: Findings from Baltimore" http://www.urban.org/UploadedPDF/410974_ReturningHome_MD.pdf (Accessed April 5, 2007)

are in need of medical care which makes their situation even more disturbing. Beck and Maruschak's 2001 study found that prisoners with mental illness are often released from prison without any type of aftercare or pre-release planning. Without proper planning, these men and women are sent out into society without psychiatric counseling and without medication. It was also found that that only two-thirds of prisons helped released prisoners obtain mental health services in the community after release. Even worse a survey study from the Bureau of Justice Statistics (BJS) on prisoners and parolees in 1996 and 1997 found that only 60 percent of prisoners suffering from major mental illnesses received mental health treatment while in prison.⁸²

These are distressing statistics for the future of these ex-offenders. The Urban Institutes' reentry study found that ex-offenders with a mental health condition were the most likely to report drug use or alcoholism than ex-offenders without a mental health condition.⁸³ As stated before a public housing agency can deny an applicant housing based on their use of drugs and alcohol. With low housing possibilities, ex-offenders are at a significant recidivism risk, and it is especially so for those with a mental illness. Ex-offenders with a mental illness were found to have considerable higher proportions of shelter stay than those ex-offenders who did not have a mental illness. There is a link between length of shelter stay and recidivism. People with a mental illness who experience constant housing instability are more likely to come in contact with the police and be charged with a crime.⁸⁴

⁸² Bureau of Justice Statistics. *Mental Health and Treatment of Inmates and Probationers*. <http://www.ojp.usdoj.gov/bjs/pub/pdf/mhtip.pdf> (Accessed January 3, 2008)

⁸³ Urban Institute. "Returning Home Illinois Policy Brief: Health and Prisoner Reentry." http://www.urban.org/UploadedPDF/311214_health_prisoner_reentry.pdf

⁸⁴ Colleen Clark., and Alexander R. Rich.. "Outcomes of Homeless Adults with Mental Illness in a Housing Program and in Case Management Only." *Psychiatric Services* 54, (2003): 78–83.

Because of the difficulty of obtaining public housing for the mentally ill, the Department of Housing and Urban Development provided assistance to “*supportive housing and special needs housing*,” which are permanent housing options coupled with support services and special needs programs.⁸⁵ These facilities are designed to provide the ex-offenders with everything they will need to succeed after their release. Aside from housing these facilities have family counseling, mental health treatment, substance abuse counseling, socialization skills groups, anger management, vocational training, and assistance with obtaining vital documents such as Social Security cards and birth certificates.

Families and Ex-offenders

An often overlooked factor in an ex-offender’s reentry being a success or failure is the relationship they have with their family. In fact most prisoners have indicated that family support is a key factor for them staying out of prison.⁸⁶ A supportive family will assist the ex-offender by providing them with housing and will deny them access to all people and environments that led to their original incarceration. Some families, even though they may not be able to provide housing for an ex-offender, can still be there for the individual if they require emotional support.

There have been many studies conducted on the effects of family on the behavior of inmates and on ex-offenders. Many studies have indicated that family interaction in prison can decrease the chance of recidivism in ex-offenders.⁸⁷ However, it has been found that the behavior of family members with the ex-offender after incarceration has an effect on the

⁸⁵ Urban Institute, Principles and Practice in Housing for Persons with Mental Illness Who Have Had Contact with the Justice System. http://www.urban.org/UploadedPDF/411314_housingmentalillness.pdf (Accessed January 3, 2008)

⁸⁶ Urban Institute. “Understanding the Challenges of Prisoner Reentry: Research Findings from the Urban Institute’s Prisoner Reentry Portfolio.” http://www.urban.org/UploadedPDF/411289_reentry_portfolio.pdf

⁸⁷ Shirley Klein, Geannina Bartholomew, and Jeff Hibbert. “Inmate family functioning.” *International Journal of Offender Therapy and Comparative Criminology* 46, no 1. (2002): 95-111.

behavior of the ex-offender. Positive behavior from family members helps the ex-offender to develop a pro-social identity which may makes their transition back into society easier. Though the number of studies that have explored this notion are few, the findings still deserve mention.

Some studies have found that negative relationships with family members can lead to an increase of recidivism. This was especially prevalent in studies that focused on heterosexual relationships. Zamble and Quinsey in their 1997 study on recidivism in New York found that other than substance abuse, conflict with a significant other was the second most common problem mentioned by recidivists.⁸⁸ This shows the importance of ex-offenders having positive influences in their lives. Sometimes family can be as negative a factor as alcohol or drugs which shows the need for incentives from family members of these individuals. Past studies have shown that when services are provided to the families of ex-offenders, behavior in the ex-offender may be affected. In 2002 The Vera Institute conducted a study of the effectiveness of such a program which provided support for family members. It was called La Bodega de la Familia. The purpose of the program was to involve both substance abusers and their family in family case management. The service was offered in addition to the abusers' probation, parole, or pre-trial supervision. The overall goal of the program was to increase the success of drug treatment and reduce the harms that drug addiction causes within families. After the analysis of the program, it was found that the percentage of Bodega substance abusers using any illegal drugs declined from 80 percent to 42 percent. Arrests and convictions were also the lowest among the substance abusers in the Bodega program who had participated over six months. The

⁸⁸ Edward Zamble and Vernon L. Quinsey (1997). *The criminal recidivism process*. New York: Cambridge University.

reduction of drug use, however, was not the result of drug treatment but the pressure from the case manager and family members.⁸⁹

The Public Defender System and Plea Bargaining

The legal system is complicated. A defendant with the proper defense has the ability to overcome even the harshest charge, especially an ex-offender. Many claim that the legal system favors the wealthy who can afford the best defense money can buy and the poor are at a disadvantage. An example of the rich having the best representation can be seen in the double murder trial of O.J. Simpson. O.J. Simpson was charged with the brutal murder of both his ex-wife Nicole Brown Simpson and her friend Ronald Goldman. In what was called “The Trial of the Century,” Americans were subjected to months of courtroom coverage which unfortunately divided the nation by race. The result of the case had O.J. Simpson being found not guilty of murder; many attribute his victory to his team of lawyers dubbed “The Dream Team”. The evidence of the trial included history of abuse by O.J. Simpson on Nicole Brown Simpson and numerous samples of Simpson’s DNA from the crime scene. Despite this evidence, which would have been impossible for most defendants to overcome, Simpson was able to overcome the evidence against him because of the skill of his attorneys. Many claim that this is just another example of the rich buying justice. Maybe it is, but for those who do not have millions of dollars to spend on attorneys, they may have to use a public defender in court.

⁸⁹Vera Institute of Justice. *Families as a resource in recovery from drug abuse: An evaluation of La Bodega de la Familia*. http://www.vera.org/publication_pdf/163_250.pdf (Accessed December 10, 2007).

History of Public Defenders

Public defenders were introduced to the American legal system in 1963 in the case of *Gideon v. Waynewright*⁹⁰. In the case Clarence Earl Gideon was charged with breaking into a pool hall in Panama City, Florida and stealing, beer, wine and change from a vending machine. During the initial trial in a Florida state court, the following interaction took place between Gideon and the court:

The COURT: Mr. Gideon, I am sorry, but I cannot appoint Counsel to represent you in this case. Under the laws of the State of Florida, the only time the Court can appoint Counsel to represent a Defendant is when that person is charged with a capital offense. I am sorry, but I will have to deny your request to appoint Counsel to defend you in this case.

The DEFENDANT: The United States Supreme Court says I am entitled to be represented by Counsel."

Gideon was not provided an attorney, and he was forced to represent himself in court, maintaining his innocence the whole time. Despite his best efforts to defend himself against experienced attorneys, Gideon was found guilty of burglary and sentenced to serve 5 years in the state penitentiary.

After his conviction Gideon conducted research in the prison library and wrote an appeal to the U.S. Supreme Court explaining his situation and how it was unfair that he had to represent himself. He claimed that his Sixth Amendment rights that were applied to states by the

⁹⁰ *Gideon v. Wainwright*, 372 U.S. 335 (1963)

Fourteenth Amendment by *Betts v Brady*⁹¹ were violated. The Supreme Court agreed with Gideon and decided to hear his case. To ensure that the same thing would not happen twice, the Supreme Court assigned Gideon Abe Fortas an attorney from Arnold & Porter, one of the most respected law firms, not just Washington, DC as well as across the nation. The outcome this time was more favorable for Gideon. The court reversed the decision of *Betts v Brady* and sent Gideon's case back to the lower courts. The result of this case created the public defender system in America and is still active today.

This system, thought to be revolutionary at the time, is not without its critic's today. Some attorneys claim that since public defenders become dependent on the goodwill of judges, who appoint public defenders to cases, lawyers often will not want to engage in activity that might anger the person signing their checks.⁹² This conflict of interest, combined with the low pay as compared to a lawyer working at a private firm and the large workload, makes being a public defender a difficult job.

Plea Bargaining and Recidivism

The plea bargaining system when examined is one of the most unique aspects of the American legal system. The 6th Amendment of the U.S. Constitution guarantees every citizen of the United States a trial by a jury, but 95% of defendants who were convicted of a felony gave up that right by taking a plea bargain.⁹³ The plea bargain is seen by many lawyers as a "necessary evil" in the legal system. Many believe that plea bargaining saves a lot of money and resources

⁹¹ *Betts v Brady*, 316 U.S. 455 (1942)

⁹² Nation Association of Criminal Justice Lawyers "Court-Appointed Defense: Critics Charge the System Is Unfair" <http://www.criminaljustice.org/public.nsf/DefenseUpdates/016News01?OpenDocument> (accessed January 10, 2008)

⁹³ U.S. Department of Justice, Bureau of Justice Statistics, *State Court Sentencing of Convicted Felons, 2000*, 43 (2003)

than actually going to trial, which is true.⁹⁴ If a state were to try every criminal case that came before the court with a jury, they would deplete most of their funds on jury compensation and other court fees. Most court cases are argued by a public defender since very few defendants in a criminal court can afford a lawyer. “Due to the large caseloads of these attorneys’ time and resources are dependent on what the state provides them,” said Fordham law professor Bruce Green. He stated that some of the attorneys represent 200-300 defendants a year making resources to investigate slim, putting them somewhat at the mercy of prosecutors for information.⁹⁵ They often take what the prosecutor gives to advise the defendant which is very little, and present the options available.

Knowing this information about the court, many could claim that the plea bargain system is ineffective. Though flawed it is not totally ineffective, as it does accomplish one of its primary objectives of eliminating cases from expensive jury trials. States have probably saved millions of taxpayer dollars by having trials that last 90 to 120 seconds instead of trials that last weeks. However, it could be argued that the state has probably lost just as much money with the incarceration and re-incarceration of recidivists. Unless a recidivist has acquired the money to obtain a private attorney, they will be subjected to using another court-appointed attorney who is swamped with cases and few resources. The recidivist will again be faced with the choice of plea or longer jail time because they have no chance of winning their case. This high-risk choice highlights another flaw in the plea bargain system which is the pressure exerted on the defendant. Jonathan Oberman, a law professor at Yeshiva University states that plea bargaining “exerts a significant amount of pressure -- sometimes coercive pressure -- on people who are innocent or

⁹⁴ Frontline: The Plea: Interview Bruce Green”

<http://www.pbs.org/wgbh/pages/frontline/shows/plea/interviews/green.html>(accessed April 18, 2008).

⁹⁵ Frontline: The Plea: Interview Bruce Green”

<http://www.pbs.org/wgbh/pages/frontline/shows/plea/interviews/green.html>(accessed April 18, 2008).

who are confronted by marginally provable cases.”⁹⁶ These men and women are offered a deal that at the time seems favorable in exchange for their constitutional right to a trial. In a situation such as that the defendant must choose the lesser of two evils. If the defendant is innocent the choice is even more difficult, they must make a choice between their principles and logic.

Three strikes

California’s “three strike rule” was designed to punish repeat offenders. Though thought to be revolutionary at the time, this type of law is nothing new. What were called “habitual offender laws” that could send a recidivist to prison for life have been present in both England and America through the majority of the 20th century.

These laws, however, did not have the greatest reputation with the general public because they did not guarantee the safety of the community. In fact one study on the habitual offender laws of England conducted by Norval Morris found that because of the bluntness and the pettiness of the crimes that these habitual offenders were engaging in, the populace regarded their life imprisonment like “a progressive tax on stupidity.”⁹⁷ There were a number of state statues on repeat offenders that were never really used such as New York’s Persistent Offender law passed in the late 1800’s, but the penalties for repeat offenders were not applied to every case.⁹⁸

⁹⁶ “ Frontline: The Plea: Interview Johnathan H. Oberman.”

<http://www.pbs.org/wgbh/pages/frontline/shows/plea/interviews/oberman.html> (accessed April 18, 2008).

⁹⁷ Zimring, F., Hawkins, G. and Kamin, J.(2001) Punishment and Democracy: Three Strikes and You’re in California, New York: Oxford University Press

⁹⁸ Criminal Lawyer Source. “Three Strikes Law.”<http://www.criminal-law-lawyer-source.com/terms/three-strikes-law.html> (March 12, 2008)

It wasn't until 1993 when Washington State passed a three strikes law called Initiative 593 that a relationship between baseball (three strikes) and criminal activity was introduced into the language of the justice system. Initiative 593 was different from California's three-strike rule in that only serious repeat offenses such as rape, murder, or child molestation would result in a life conviction⁹⁹ One year later this law inspired California to adopt their own version of Initiative 593 called Proposition 184, later became known as the "Three Strike Rule."

This version of three strikes was much more controversial and stricter than previous versions of three strikes. It was not introduced by a lawyer or politician but by a photographer from Fresno named Mike Reynolds, the father of a murder victim. Reynolds' version was different than other versions because it increased the penalties on a repeat offender for a second conviction, thus making the second strike almost as damaging as the third strike. It also did not require violence to occur for a repeat offender to be eligible for the 25 to life conviction. Under this version if a repeat offender was charged with a common crime like burglary, he/she would be eligible for the life sentence. The third strike would lead to the life conviction by any felony in the penal code if it was a first time offense for that crime. This is the version of the three strikes system with which most Americans are familiar.

Prisonization

Prisonization is an issue that many do not often talk about when discussing recidivism, but for the ex-offender, it has an effect on family relationships, employment, substance abuse,

⁹⁹ Washington State Sentencing Guidelines Commission. "Powers and Duties of the Commission" http://www.sgc.wa.gov/Informational/About_SGC.htm (Accessed March 12, 2008).

and other topics previously discussed. The fact that it could lead to other unwholesome behavior might make prisonization the most dangerous of all of the issues discussed in this chapter.

Prisonization is the phenomenon of a prisoner becoming socialized into the culture and social life of prison society which makes it difficult to adjust to outside society.¹⁰⁰ It is a common condition and in many ways it is essential to an inmate's survival in prison. If an inmate is not fully assimilated in the prison culture while incarcerated, they run the risk of being victimized by the other inmates. The problem occurs when the inmate is released from prison but unable to remove themselves from that culture.

Prisonization can be compared to institutionalization of patients who have been in mental hospital for a long time. Their world is the one in which they have become accustomed. The customs of the institution and people with whom they have daily contact form the social mores' of their lives. A reintroduction to the outside world requires adjustment that may take a while, depending on the length of incarceration or institutionalization. In either case during the adjustment period, unpredictable behavior patterns and poorly chosen activities could lead the ex-offender to recidivate.

¹⁰⁰ Barabara Peat, , L. Thomas Winfree Jr., and "Reducing the Intra-Institutional Effects of "Prisonization." *Criminal Justice and Behavior* 19, no. 2 (1992): 206-225 .

Chapter 3

Reentry in Maryland, Michigan and California

Maryland

The state of Maryland was identified by members of the Department of Justice as having a reentry policy that could be described as “marginal.” They are not doing the worst job, but they are not doing the best job with ex-offender reentry and prevention of recidivism. The prison system in Maryland is one of the smaller ones in the nation with 22,272 inmates as of 2005.¹⁰¹ This is considered small when you compare it to a state like California that had close to 168,000 inmates in their prison system in 2005.¹⁰² Maryland’s prison system includes 29 correction facilities, three pretrial detention facilities, one psychological treatment facility in Jessup, and one federal prison in Cumberland, Maryland.¹⁰³

The profile of the ex-offenders in Maryland is, unfortunately, mostly comprised of one demographic group. Ninety-one percent of all ex-offenders are male and 76% of ex-offenders are African-Americans. This is not surprising since it was found that 60% of Maryland’s ex-offenders come from Baltimore, Maryland which has a substantial African-American population.¹⁰⁴ It was found that about 75% of ex-offenders in the state were between the ages of

¹⁰¹ Bureau of Justice Statistics. “Prisoners in 2005.” <http://www.ojp.usdoj.gov/bjs/pub/pdf/p05.pdf> (Accessed March 1, 2008).

¹⁰² Amanda Bailey and Joseph M. Hayes. “Who’s in Prison?” *Public Policy Institute of California* 8, No. 1 (2006).

¹⁰³ Maryland Department of Public Safety and Corrections Services. “Correctional Facility Locator.” <http://www.dpscs.state.md.us/locations/prisons.shtml> (Accessed February 17, 2008).

¹⁰⁴ The Urban Institute. “A Portrait of Prisoner Reentry in Maryland”. http://www.urban.org/UploadedPDF/410655_MDPorraitReentry.pdf (Accessed November 18, 2007).

20 and 40 years old at their time of release, but the median age for all ex-offenders was 34 years old. With a young group of ex-offenders being released, proper reentry becomes imperative for the state to implement. A 2001 study showed that 70 percent of ex-offenders released in the state of Maryland that year had previously been incarcerated once before, and 22 percent had violated the conditions of their parole.¹⁰⁵ This statistic is concerning when one considers that 20 percent of prisoners in 2001 were released via a parole board decision.

Incarceration trends in Maryland have thankfully begun to decrease according to a study by the Bureau of Justice Statistics from 2006. In the report it stated that the incarceration rate decreased 2 percent for 2005, but it is unknown what the current incarceration rate is.¹⁰⁶ Though these statistics may sound promising, they are slightly misleading. It is still a fact that incarceration rates in Maryland have nearly doubled in the last 20 years. In one study conducted in 2001, it was found that 9,448 people were released from Maryland prisons which was reported as being about twice the number of prisoners (5,436) released 21 years earlier in 1980.

Baltimore City and Baltimore County

The majority of ex-offenders in Maryland come from the city of Baltimore and Baltimore County. The Urban Institute found in their study on Reentry in Maryland that about thirty percent of the released prisoners who returned to Baltimore City returned to just 6 of 55 communities: Southwest Baltimore, Greater Rosemont, Sandtown-Winchester/Harlem Park,

¹⁰⁵ The Urban Institute. "A Portrait of Prisoner Reentry in Maryland".

http://www.urban.org/UploadedPDF/410655_MDPortraitReentry.pdf (Accessed November 18, 2007).

¹⁰⁶ *Bureau of Justice Statistics* "Prisoners in 2005." <http://www.ojp.usdoj.gov/bjs/pub/pdf/p05.pdf> (Accessed October, 10 2007).

Greenmount, East, Clifton-Berea, and Southern Park Heights. These areas comprise some of the more impoverished areas in the city which makes recidivism more likely to occur.¹⁰⁷ It is also necessary to note that the numbers reported in the Urban Institute's study represent those released from Maryland prisons who were incarcerated for one year or more. It did not include the 5,000 ex-offenders who served jail sentences that were typically for one year or less. The large number of individuals released from local jails is said to have an impact on the reentry efforts of the City of Baltimore.¹⁰⁸ The high number of newly released ex-offenders to the same impoverished neighborhoods they left when they were initially incarcerated will lead to an increased crime rate in Baltimore.

Crime Rate in Baltimore

Baltimore's crime rate is one of the highest in the county, and the city of Baltimore has the highest crime rate of any city in the state of Maryland. The city in Maryland with the second highest crime rate is the city of Salisbury, Maryland. Baltimore, in 2005 alone, averaged 10,816 violent crimes and 32,231 property crimes a year. Salisbury, in comparison, averaged a mere 569 violent crimes and 1813 property crimes for that year.

Another reason that Baltimore has the highest rate of crime in the state is that they have the largest population at 637,556. Frederick, Maryland has the next largest population at 58,066.¹⁰⁹ However, these numbers reported to the FBI are only representative of cities in the state with a population over 250,000, so they might not be a completely accurate judge of the

¹⁰⁷ The Urban Institute. "A Portrait of Prisoner Reentry in Maryland".

http://www.urban.org/UploadedPDF/410655_MDPportraitReentry.pdf (Accessed November 18, 2007).

¹⁰⁸ id

¹⁰⁹ "Federal Bureau of Investigation Uniform Crime Reports" <http://www.fbi.gov/ucr/ucr.htm> (Accessed January 5, 2008)

crime rate of each city. These statistics are included in this study to give the reader an idea of the crime rate in Baltimore as it is compared to the other cities in the state.

Preparation for Release

The most important question one could probably ask a person conducting a study on reentry and recidivism is: How are the prisoners being prepared for their release? Answering that question is essential to discovering how one can reduce the recidivism rate for ex-offenders nationwide. Maryland has a number of reentry programs that are available to ex-offenders that address a number of the root cause of recidivism mentioned throughout this study.

Unfortunately, according to the Urban Institute, in 2001, only 17 percent of inmates were involved in educational or vocational programs offered by the Maryland Division of Corrections.¹¹⁰ The reasons for a low turnout for these programs are usually of a lack of funding or a large turnout of inmates applying and being rejected. However, despite the low turnout of inmates applying for these reentry programs, Maryland still offers a number of programs that should prove to be beneficial to the ex-offenders it serves.

Maryland Reentry Programs

The Maryland Department of Public Safety and Correctional Services offer a variety of services for the ex-offenders returning to their communities before and after they are released. One program that attracts a number of ex-offenders is the work release program since it will give

¹¹⁰ The Urban Institute. "A Portrait of Prisoner Reentry in Maryland". http://www.urban.org/UploadedPDF/410655_MDPortraitReentry.pdf (Accessed November 18, 2007).

the inmates some work experience to put on a resume or prepare them for a job after the sentence is completed. Seven facilities participate in Maryland's work release program located in different parts of the state. Baltimore has two facilities that offer work release that are gender specific; the others are spread out to serve each county.¹¹¹ Each facility offers the inmate the opportunity to work at a job in an area close to the facility (find specific jobs).

Specific Programs

Inmates in the Maryland prison system have full access to its health services which include preventive, standard, and emergency mental health service. Unfortunately not all facilities in the states have the same services available. The Urban Institute found that out of Maryland's 26 facilities, 12 screen prisoners for mental illness at intake, 14 conduct psychiatric assessments, 13 provide 24-hour mental health care, 18 provide therapy and counseling, 18 distribute psychotropic medications, 22 report helping released prisoners obtain services, and 2 do not provide any services.¹¹² Although these services are available, not many of the inmates use them. It was also found in an Urban Institute study that as of 2000, fifteen percent of prisoners were using therapy or counseling, 12 percent were receiving psychotherapy medications and close to one percent of all Maryland inmates use the 24-hour mental health care.¹¹³ It was also found within that same study that while prisoners may receive treatment in

¹¹¹ The Urban Institute. "A Portrait of Prisoner Reentry in Maryland".

http://www.urban.org/UploadedPDF/410655_MDPortraitReentry.pdf (Accessed November 18, 2007).

¹¹² Beck, A., and L. Maruschak. 2001. *Mental Health Treatment in State Prisons, 2000*. Bureau of Justice Statistics Special Report. Washington, D.C.: U.S. Department of Justice.

¹¹³ The Urban Institute. "A Portrait of Prisoner Reentry in Maryland."

http://www.urban.org/UploadedPDF/410655_MDPortraitReentry.pdf (Accessed November 18, 2007).

prison, once they are released, the chances the treatment will continue is low due to the cost of prescriptions.

Substance abuse treatment services are available to a selected number of ex-offenders. Like many rehabilitation services provided by correctional facilities across the nation, due to lack of proper funding, the number of available slots are small. Thankfully according to the Department of Public Safety and Corrections website, the award of several contracts to substance abuse service providers should help the Department of Public Safety and Correction to significantly expand the number of substance abuse treatment slots available to the inmate population.¹¹⁴ With the increase in funding, the department can operate four therapeutic community programs and added treatment at 10 separate sites across the division. With the new facilities and the increase in funding, it is possible for the Department of Public Safety and Corrections to meet some of their primary goals for the substance abuse program which is to continue treatment of inmates even after their release.¹¹⁵

Education needs are also provided by the Department of Public Safety and Corrections. Through the Maryland State Department of Education, inmates have the option of obtaining GED and other educational needs. The Division of Corrections stresses that the education programs are taught by teachers who are certified to teach adult basic and secondary education programs.

The difference between basic and secondary education programs is not what most people may envision. In the Maryland correctional education system, basic adult education consists of

¹¹⁴ Maryland Department of Public Safety and Correctional Services “ Substance Abuse Programming” http://www.dpscs.state.md.us/rehabservs/doc/substance_abuse.shtml (accessed January 15, 2008)

¹¹⁵ Ibid

an inmate improving reading, writing or math skills.¹¹⁶ As stated in the chapter on education, many inmates do not have high school diplomas or a strong basic education when they come into jail. These inmates may be learning how to simply read a sentence or add, or they could just be brushing up on skills they have lost over time. Secondary education would not consist of an inmate obtaining associates or a bachelor's degree while imprisoned but preparation for those preparing to take the high school equivalency exam. That is not to say that some institutions do not offer post-secondary education for inmates because they do.

Some prisons offer courses which teach certain occupationally related courses that focus on certain trade areas.¹¹⁷ These courses last about six months and are designed to prepare the inmates to obtain an honest job once they are released. The wait list for these classes are a concern for inmates, but perhaps more funding will provide an increase in the number of teachers and resources available. These courses are often held with the Occupational Skills Training Center (OSTC). Thanks to a partnership between the Division of Corrections and the State Department of Education, the OSTC provides not just education skills but employment training that will assist them in their job searches after they are released from prison. More often than not, the OSTC graduates are recommended to obtain trade related employment after their release since that is their area of focus.

Also offered is a curriculum called "general studies." These classes are all endorsed by the American Council of Education, the major coordinating body for all the nation's higher

¹¹⁶ Maryland Division of Corrections 2007 Inmate handbook."
http://www.dpscs.state.md.us/rehabservs/doc/pdfs/2007_Inmate_Handbook.pdf. (accessed March 4, 2008).

¹¹⁷ "Maryland Division of Corrections 2007 Inmate handbook."
http://www.dpscs.state.md.us/rehabservs/doc/pdfs/2007_Inmate_Handbook.pdf. (accessed March 4, 2008).

education institutions.¹¹⁸ Courses for each facility are offered by local colleges and universities. The ACE provides the distance learning videos.

Special education is provided for inmates who do not have a high school diploma or a GED and are not over the age of 21 and have a learning disability.¹¹⁹ Inmates who have had special education classes are automatically considered for the special education program provided by the facility. When an inmate is accepted into the program, they will be having an Individualized Education Plan (IEP) that will chart out their progress throughout the program. Since the inmate will be under 21, their guardians will have to be the one to set up their IEP and give their consent. While enrolled in the Special Education program, the inmate has the same legal rights as a student in the Maryland public school system which is explained to the parents before they give their consent.¹²⁰ Education for inmates without a GED is heavily stressed by both the Division of Corrections and the State Department of Education. They state in the 2007 Inmate Handbook that those who do not have a high school diploma or a GED that are serving at least 18 months must attend classes successfully for 120 days. An incentive is given to the inmates through stipends that are given on a daily basis. Inmates who do not complete their mandatory education face consequences that could affect their release, such as the loss of their good conduct credits or placement in special disciplinary housing.¹²¹

Preparing an inmate for release is the most important task for a prison or jail. Many prisons or jails offer career development services to assist in an inmate's job search. The prison library can help the inmate search for jobs, and some offer classes on how to fill out an

¹¹⁸American Council of Education. "Mission Statement"
http://www.acenet.edu/Content/NavigationMenu/About/Mission/ACE_Mission_Stateme.htm. (accessed March 4, 2008).

¹¹⁹ "Maryland Division of Corrections 2007 Inmate handbook."
http://www.dpscs.state.md.us/rehabservs/doc/pdfs/2007_Inmate_Handbook.pdf. (accessed March 4, 2008).

¹²⁰ id

¹²¹ Interview with Cynthia Holly Division of Corrections Maryland

application or resume. Instruction is also given on how an inmate can get access to documents needed for some job interviews such as social security cards or birth certificate.¹²²

Social workers are available for group counseling for inmates twice a week in all prisons within the Maryland system. The meetings are held twice a week for approximately 90 minutes. Inmates are taught how to handle stress in and out of prison. Some issues addressed include problems with domestic violence and bettering one's parenting skills. Mental health, physical health issues, and HIV counseling are also provided to inmates by social workers.

Reentry in Michigan

Michigan was credited with having one of the more progressive reentry policies in the country. It is by no means perfect, but more organizations, including the Urban Institute, the Sentencing Project and the Bureau of Justice Statistics cite them more than any other state. Michigan, compared to Maryland, is a much larger state with a population that is the eighth largest in the country. The population at the end of 2007 was 10,071,822.¹²³ Its population makes up 3% of the total population of the United States, while Maryland's population is only 5,618,344.

Michigan's prison system dwarfs Maryland's state prison system with 41 state prisons and one federal prison in Milan, Michigan.¹²⁴ In this decade Michigan, like many other states, has experienced an increase in the prison population. The Urban Institute found that between

¹²² "Maryland Division of Corrections 2007 Inmate handbook."

http://www.dpscs.state.md.us/rehabservs/doc/pdfs/2007_Inmate_Handbook.pdf. (accessed March 4, 2008).

¹²³ Michigan.gov. "Estimated Population for states 2000-2007". http://www.michigan.gov/hal/0,1607,7-160-17451_18668_41233-182573--,00.html (accessed February 9, 2008)

¹²⁴ Federal Bureau of Prisons."FCI Milan." <http://www.bop.gov/locations/institutions/mil/index.jsp>(accessed March 1,2008)

1980 and 2003 the prison population more than tripled from 15,148 (1980) to 49,357 (2003).

The 2003 number showed the first time that the population declined in two decades.

Unfortunately by 2005 the prison population did not continue to decrease. It remained around the 49,357 mark.¹²⁵ That number included 10,000 more inmates than the prison population in 1995 and still three times higher than the 1980's prison population.

In the Urban Institute's study on Reentry in Michigan, they found that in 2003, ninety-three percent of all inmates were male.¹²⁶ Unlike Maryland the prison population was fairly even in regards to race. The breakdown between black and white inmates in Michigan was 53 percent to 45 percent. In Maryland 76% of all inmates were African-American. In reference to age, Maryland and Michigan were similar. The median age at release was 35.7 years in Maryland; the average age was 34.5. Fifty-eight percent of all Michigan inmates had one or more dependents which made family support of great interest to them once they were released. The most interesting fact about the Michigan inmates is that 63% had never been incarcerated in the Michigan prison system. This is almost the exact opposite of the statistic in Maryland where 70 percent of all inmates had been incarcerated before.

Michigan's inmates are incarcerated for a variety of offenses: 26% of all offenders are imprisoned for a violent offense, 17% for drug offenses, 33 % for nonviolent and non-drug offenses and the remaining 24% had been incarcerated for a parole technical violation. One can look at the 24% parole violator in number of ways. The 24% percent could be viewed as proof of a recidivism problem.

¹²⁵ Hollander, Lindsay. "State Notes: Toic of Legislative Interest." March 2006. <http://www.senate.michigan.gov/sfa/Publications/Notes/2006Notes/NotesMarApr06lh.pdf> (accessed February 11, 2008).

¹²⁶ Urban Institute, "Prisoner Reentry in Michigan." http://www.urban.org/UploadedPDF/411172_Prisoner_Reentry_MI.pdf (Accessed September 09, 2007).

Wayne County Michigan

Like Maryland's ex-offenders, in Michigan a large number of prisoners come from a limited number of areas. Wayne County, Michigan accounts for 34% of all parolees in the state. The city in Wayne County with the largest number of ex-offenders is Detroit. It accounts for 80 percent of all ex-offenders in the county. The city of Detroit, known for its automotive centers, has population of about 918,849.¹²⁷ General Motors, Chrysler, and Ford, the three biggest American automobile companies, have their headquarters and automobile construction plants in the city, earning it the nickname of the Motor City. Unfortunately, in the past couple of years the automobile industry in Detroit has taken significant losses in profits as a result of the recession that occurred in 2001 after the September 11th attacks.

Approximately 80,000 people work in downtown Detroit, making it an important economic area for the state of Michigan. For employment, downtown Detroit has one of the nationally ranked technology centers in America. Because of this technological center in downtown Detroit, Michigan, it ranks fourth in the United States in high employment which includes 568,000 high tech workers, including the 70,000 in the automotive industry.¹²⁸

Despite the opportunity for employment in the city of Detroit, at the end of 2007, the unemployment rate was 8.5%.¹²⁹ For an ex-offender to return to an area where most of the opportunities to work are high tech jobs and most of the automotive jobs that they could work in are being cut back due layoffs, the future could seem bleak. In 2000, Detroit's unemployment rate was more than doubled what it was in the rest of the state, and over one-fifth of the families

¹²⁷ U.S. Census Bureau. "2006 Estimate Changes" http://www.census.gov/popest/archives/2000s/vintage_2006/06s_challenges.html (Accessed February 20,2008).

¹²⁸ "Michigan High Technology Focus." <http://www.michigan.org/medc/hitechfocus/>.(accessed February 21, 2008).

¹²⁹ Michigan.gov. "Michigan's December Jobless Rate Edges Upward 2007 Annual Rate Increases." <http://www.michigan.gov/som/0,1607,7-192-29940-183710--,00.html>. (Accessed January 11,2008).

lived in poverty. Also during this period, 41 percent of Wayne County prisoners returned to eight zip codes—all of which are in Detroit. Unfortunately, most of those eight zip codes display high levels of economic and social disadvantage.¹³⁰ The percentage of families living below the federal poverty level in Wayne County is 72 percent higher than the statewide average. This makes finding employment and proper reentry programs essential for these men and women.

Crime Rate in Detroit

Detroit has the highest crime rate in the state according to the Federal Bureau of Investigations 2007 Uniform Crime Report. The city with the second highest crime rate in the state is Flint, Michigan. What was particularly interesting about the statistics from Detroit was the difference between violent crime and the property crimes. In 2007 Detroit had 21,394 violent crimes to 62,338 property crimes that were reported. These statistics, of course, do not include convictions, but nonetheless they give a good estimate of the conditions of the city. The high number of property crimes which include burglary and theft, indicate the desperate economic situation for the criminal. It has been proven in a number of studies that the primary reason property crime occurs is for financial need. Kenneth Tunnell conducted a study on the causes of property crime for his book entitled, *Choosing Crime: The Criminal Calculus of Property Offenders*. In his book he contends that the number one reason criminals decide to commit a property crime is for financial reward. It should not be of any surprise to the reader. It

¹³⁰ Urban Institute, "Prisoner Reentry in Michigan." http://www.urban.org/UploadedPDF/411172_Prisoner_Reentry_MI.pdf (Accessed September 09, 2007).

was surprising, however, to learn that two-thirds of the respondents in his study needed the money for living expenses and considered crime the easiest way to maintain their current standard of living.¹³¹ With Detroit's unemployment rate and fears of outsourcing claiming more auto jobs, obtaining money is more of a priority than ever, not just for ex-offenders in Detroit but the state of Michigan as a whole.¹³² That need for fast money, if not addressed effectively, could lead to even more property crimes being committed in 2008.

Michigan Prisoner Re-entry Initiative

The state of Michigan has a number of programs within their prison system to assist ex-offenders. The standout program offered through the Michigan Department of Corrections is the Michigan Prisoner Re-entry Initiative (MPRI), though it has been enacted statewide as of now it has produced amazing results within the state in a short period of time. The primary goal of MPRI is to ensure the successful reentry of ex-offenders back into the community and reduce recidivism. The MPRI website, however, names two goals of the MPRI. The first is to promote public safety by reducing the threat of harm to persons and their property by released offenders in the communities to which those offenders return. The second is to increase success rates of offenders who transition from prison by fostering effective risk management and treatment

¹³¹ Choosing Crime: The Criminal Calculus of Property Offenders. by Kenneth D. Tunnell

¹³² Granholm, Jennifer. "State of the State Address." February 6, 2007. http://www.michigan.gov/documents/gov/2007_SOS_186092_7.pdf (accessed April 7, 2008).

programs, offender accountability, and community and victim participation.¹³³ This is accomplished by interacting with the ex-offender well before their initial release.¹³⁴

The Michigan Prisoner Reentry Initiative has proven to be an effective tool in deterring recidivism in ex-offenders within the state. The program produced positive results within the first two years of existence. Before the MPRI program began, the recidivism rate for parolees in the state was close to 48% within the first 24 months after release. Once the MPRI program was established, the recidivism rate for its participants after the first 24 months was close to 23%. That is a 25% reduction in recidivism in less than 2 years. That is a remarkable feat considering the number of prisoners with whom the state must deal.¹³⁵ Part of the reason the Michigan MPRI program has been so successful can be attributed to its full embracement by the three major schools of thought on prisoner re-entry and development of the MPRI program around those principles.

The first approach of the MPRI program implements a three-phase re-entry. The first phase begins while the inmate is still incarcerated. This phase is simply called the institutional stage or the “getting ready phase.” During this phase the inmate is monitored to determine if they are ready for parole. A number of assessments are conducted and the inmate is given a number of assignments such as jobs within the prison to prepare them for release. The second phase begins six months before the inmate is scheduled to leave the prison, and it is called the reentry phase or the “going home phase.” During this phase, specific issues of concern to the inmate’s well being, once they are released, are addressed such as mental illness, addiction,

¹³³ Northwest Michigan Council of Governments"Michigan Prisoner ReEntry Initiative."
<http://www.nwm.org/mpri.asp> (accessed January 3,2008).

¹³⁴ id

¹³⁵ id

housing needs and of course employment. Conditions for an inmate's parole are reviewed with the inmate to ensure that he/she understands what is expected of them once they are released. This is important information for the inmate to know before they are released since many ex-offenders are not aware of the conditions of their release. The final phase is probably the most important stage for the inmate whom the MPRI calls the community and discharge phase or "staying home" phase. It is during this period that the inmate is released back into society to parole supervision. The ex-offender will meet with the parole officer and be under the officer's supervision until the end of the ex-offender's probation period.

Influencing Programs

What makes Michigan's reentry program so successful is its reliance on other proven reentry program or recommendations on reentry. One such reentry program that the MCPI borrows from was developed by the Department of Justice in their Serious and Violent Offender Reentry Initiative (SVORI). SVORI is the result of a partnership in 2003 between the Departments of Justice, Labor, Housing and Urban Development, and Health and Human Services. The Serious and Violent Offender Reentry Initiative's primary objective is to reduce recidivism, improve housing, and health outcomes of ex-offenders. It is a large-scale reentry program that provides over \$100 million to about 69 grantees to increase programming, training, and state-of-the-art reentry strategies at the community level.¹³⁶ The MPRI took the SVORI three-phase approach and applied it to inmates and ex-offenders in Michigan.

¹³⁶ Serious and Violent Offender Reentry Initiative (SVORI) Multi-site Evaluation Homepage. "Serious and Violent Offender Reentry Initiative Background Initiative Background Information." https://www.svori-evaluation.org/index.cfm?fuseaction=dsp_initiative_background (accessed March 10, 2008).

Another program utilized by the Michigan Prisoner Reentry Initiative is called the Transition from Prison to Community Initiative (TPCI).¹³⁷ The TPCI program has been so effective that it has been adopted in states such as Indiana, Michigan, Missouri, North Dakota, Oregon, Rhode Island and New York.^{138 139 140} Developed by the National Institute of Correction, the TPCI program incorporates “proven reforms” such as risk management and structured decision-making as well as other tested ‘best practices’ to manage the needs of ex-offenders who are considered high-risk or special needs offenders.¹⁴¹ It covers offenders who leave prison on parole as well as those released after they have served their full prison terms.

The goal of the TPCI program, according to the National Institute of Corrections, is for ex-offenders to remain arrest-free over the long haul and to become competent and self-sufficient members of their communities.¹⁴² To accomplish this eventual goal of self-sufficiency, the TCPI uses the Transition Accountability Plan that is designed to integrate ex-offenders back into the community by spanning phases in the transition process and agency boundaries.¹⁴³ TAP is a process that eventually involves everyone from the prison staff to victims of crimes. The MPRI uses the seven decision points detailed from TAP to form the core principle of the MPRI. The seven decision points which are spread throughout the three phases described earlier are:

¹³⁷ Michigan Prisoner Reentry Initiative. "The MPRI Model: Policy Statements and Recommendations." January 2006. http://www.michigan.gov/documents/THE_MPRI_MODEL_1005_140262_7.pdf (accessed January 21, 2008).

¹³⁸ Abt Associates Inc. "Abt Associates and the National Institute of Corrections Develop a Model to Guide Offender Transition from Prison to Community ." December 12, 2003. <http://www.abtassociates.com/Page.cfm?PageID=16179> (accessed April 2, 2008).

¹³⁹ Division of Criminal Justice Services. "New York State Interagency Re-Entry Task Force and Transition from Prison to Community Initiative (TPCI)." http://criminaljustice.state.ny.us/crimnet/ojsa/initaitives/tpci_crtf.htm (accessed March 31, 2008).

¹⁴⁰ National Institute of Corrections. "TPC State Profiles." <http://www.nicic.org/TPCStateProfile>. (accessed March 30, 2008).

¹⁴¹ Transition from Prison to Community Initiative, National Institute of Corrections, Abt Associates Inc.

¹⁴² *id.*

¹⁴³ *id.*

1. *Assessment and classification*: Measuring the offender's risks, needs, and strengths.
2. *Prisoner programming*: Assignments to reduce risk, address need, and build on strengths
3. *Prisoner release preparation*: Developing a strong, public-safety-conscious parole plan.
4. *Release decision making*: Improving parole release guidelines.
5. *Supervision and services*: Providing flexible and firm supervision and services.
6. *Revocation decision making*: Using graduated sanctions to respond to behavior.
7. *Discharge and aftercare*: Determining community responsibility to "take over" the case.

Using these seven steps from the TAP, the MPRI program develops a program tailored to a specific offender that should create the ideal situation for them to return to society. Hopefully when the TAP is completed and the offender is discharged their risk of recidivating is significantly lower than it was when the ex-offender first began the reentry process.

Reentry in California

California is the third largest state in the United States with a population of 36, 553,215, according to the 2007 U.S. Census. It is the most populous state in the nation.¹⁴⁴ When most people think of states with problems of reentry, California is probably on the list with its "three strikes rule" that was discussed in an earlier chapter. In an interview with Marc Mauer of the Sentencing Project, he cited California as one of the states in the nation that has to make significant changes in its recidivism programs to reduce the need for a program like "three strikes" and to reduce the overall recidivism rate for ex-offenders in the state. With 32 adult state prisons, 16 federal prisons, and three privately managed prisons, California has a more at

¹⁴⁴ U.S. Census Bureau. "Annual Population Estimates 2000 to 2007." <http://www.census.gov/popest/states/NST-ann-est.html> (accessed April 6, 2008).

risk population than Maryland and Michigan combined.¹⁴⁵ The inmate count for state prisons alone in 2005 was 168,982. The high inmate rate drove the California DOC to spend \$5.7 billion in 2005 on the state's inmates, 5.8% of the state's budget.

The demographic makeup of prisoners in California is starkly different from that of Maryland and Michigan. In Maryland 70% of all inmates are African-American, in Michigan the demographic breakdown between African-Americans and whites was nearly equal with 53% African-Americans and 45% whites, but in California, the demographic breakdown showed that Hispanics made up 40% of the population, whites made up 30%, and African-American made up 20%.

The heavy Hispanic population in California prisons can be explained by their high numbers in the state. The state of California as of July 1, 2006, had the largest Hispanic population of any state at 13.1 million.¹⁴⁶ During the 2008 presidential primary, the population of California consisted of a white population of 50%, a Hispanic population of 39.9%, an Asian population of 12.4%, and an African-American population of 6.7%. It's worthy to note that even though African-Americans make up a mere 6.7% of the population, they represent 20% of the prison population.¹⁴⁷ Reasons for the heavy Hispanic and African American representation in prison will be discussed in a later section.

¹⁴⁵ Federal Bureau of Prisons. "Weekly Population Report." http://www.bop.gov/locations/weekly_report.jsp#bop (Accessed April 6, 2008).

¹⁴⁶ U.S. Census Bureau. "Minority Population Tops 100 Million." May 17, 2007. <http://www.census.gov/Press-Release/www/releases/archives/population/010048.html>. (Accessed April 6, 2008).

¹⁴⁷ U.S. Census Bureau . "California in Focus: Census Bureau Pre-Primary Snapshot" January 30, 2008 <http://www.census.gov/Press-Release/www/releases/archives/voting/011408.html>. (accessed February 3, 2008).

California Recidivism Rate

With California being such a large state and having so many prisons within its system, one would think that its reentry policies would rival that of Michigan but unfortunately that is not the case. Most of the inmates in California's prisons are ex-offenders; California is often cited as having the nation's highest recidivism rate at 70%. Sources such as the San Francisco Chronicle and Washington Post have made sure that it is known that California's recidivism rate is one of the highest, if not the highest, in the country.^{148 149} However, these numbers are not entirely accurate since the California Department of Corrections actually states the numbers at being much lower.

Since the turn of the 21 century California's recidivism rate has seen even more decline. Felons released for the first time in 2000 had a 60.48% recidivism rate after three years.¹⁵⁰ A closer examination of these numbers revealed that certain offenses generated the highest rates of recidivism. For example, vehicle theft (73%) and escape (78%) were the two offenses for which most ex-offenders returned to prison while controlled substance manufacturing (37%) and lewd acts with children (39%) were among the lowest. The most recent information released in 2007 from the California Department of Corrections and Rehabilitation states that the recidivism rate for all ex-offenders in the state of California is at 56.04%. This information is based on ex-offenders release from the California state prisons in 2003 and tracking their progress for three years. From this group of ex-offenders, 38% returned to prison in one year and 51% returned in

¹⁴⁸ California's Crisis In Prison Systems A Threat to Public Longer Sentences *By John Pomfret*
Washington Post Staff Writer Sunday, June 11, 2006; Page A03

¹⁴⁹ Parolees in revolving door California has highest rate of recidivism Writer Monday, December 23, 2002

¹⁵⁰ California Department of Corrections. "Recidivism Rates* within One, Two and Three Year Follow-up Periods for All Felons Paroled to California Supervision California Department of Corrections" March 8, 2004.http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Annual/RECID3/Recid3d2000.pdf (Accessed February 27, 2008)

two years.¹⁵¹ This a significant difference from the 70% recidivism rate reported by many papers or even the governor stated last year in the Washington Post.¹⁵² In the research conducted for this paper, in no scientific study could it be found that California's recidivism was still in the 70% range. Why newspapers and government officials continue to cite an erroneous number as fact is unknown, but perhaps it is merely for political reasons. In most cases the 70% percent statistics is used as a talking point to stress the need for California to improve its failing reentry system. It should be noted as well that despite the reduction in the recidivism rate of California, they still have the highest recidivism rate in the country. It is no accomplishment that 56% all of all offenders in the state eventually commit another crime. Just like Maryland and Michigan, a majority of California's ex-offenders go back to the same cities. In California the city is Los Angeles.

Los Angeles County

The county of Los Angeles makes up around 3% of the total population of the state of California. The most recent census report cites Los Angeles as having a population of 9,948,081, an increase of 4.5% from 2000.¹⁵³ It is also home to a sizeable Hispanic community, one of the largest in the state and America. In Los Angeles County Hispanics make up 47.3% of the population and the non-Hispanic whites make up only 29.2%. Thirty-six percent of those

¹⁵¹ California Department of Corrections." Recidivism Rates* within One, Two and Three Year Follow-up Periods for All Felons Paroled to California Supervision California Department of Corrections and Rehabilitation Released from Prison for First Time in 2003 " April 26, 2007.
http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Annual/RECID3/Recid3d2003.pdf(Accessed February 27,2008).

¹⁵² California Prison System In 'Crisis,' Governor Says Schwarzenegger Plans New Facilities By John Pomfret Washington Post Staff Writer Tuesday, June 27, 2006; Page A12

¹⁵³ "Los Angeles County Quick Fact from the US Census Bureau"
<http://quickfacts.census.gov/qfd/states/06/06037.html> (Accessed February 28,2008)

living in the county of Los Angeles are foreign-born, and 54.1% of all people living in the city speak a language other than English at home¹⁵⁴ It is safe to say that the culture and community of Los Angeles as compared to Baltimore County, Maryland or Wayne County, Michigan are quite different.

The differences in demographics are where many of the differences lie, however. Like Baltimore County and Wayne County, Los Angeles County is home of the city where most parolees go to after release from prison. Thirty percent of all parolees returned to Los Angeles in 2007. That is 38,722 men and women were released back into an area with a fairly high standard of living. According to the Los Angeles County Federation of Labor, for a two parent family with both parents working to have a modest standard of living, each have to make \$17.80 per hour or have a combined salary of \$74,044 per year.¹⁵⁵ For a recently freed inmate with little education and few skills, that may be a near impossible task, and it makes the lure of crime that much more enticing.

Recidivism Programs in California

California is fully aware of its high recidivism rate and has made a number of attempts to introduce programs and legislation to correct past reentry errors. The latest attempt came in 2006 when the California Department of Corrections created the Division of Reentry and Recidivism Reduction (DORR) through Assembly bill 900. DORR is the single entity of the California Department of Corrections and Rehabilitation responsible for helping the local law enforcement in California and elected city and county officials in creating the Secure Reentry

¹⁵⁴ “Los Angeles County Quick Fact from the US Census Bureau”
<http://quickfacts.census.gov/qfd/states/06/06037.html> (Accessed February 28, 2008)

¹⁵⁵ Los Angeles County Federation of Labor, AFL-CIO. “What does it take to live in Los Angeles?”
<http://www.launionaflcio.org/pdf/What-does-it-take-to-live-in-Los-Angeles.pdf> (Accessed March 1, 2008).

Program Facilities (SRPF) throughout California. These reentry facilities are obtained through the Parole Reentry Partnership Initiative which was formed in July of 2006.¹⁵⁶

Under the PRPI guidelines, the inmate facilities are to be no larger than a 500-bed secure facility. The inmates who are housed will be close to their release date and are to be released into a community that is closest to the facility.¹⁵⁷ The purpose of having the inmates stay in a facility close to the community in which they will be released is to reintroduce them to the community that they may have left a number of years ago or in some cases be introduced to a new community gradually. All of the offender programs and inmate services in each PRPI facility are to be developed through collaboration with the local government and with community participation.

The Division of Reentry and Recidivism Reduction is managed by an “expert panel” on Recidivism Reduction called the California Rehabilitation Oversight Board (C-ROB). C-ROB monitors the various mental health, substance abuse, educational, and employment programs for inmates and parolees that are operated by the Department of Corrections and Rehabilitation.¹⁵⁸ During each board meeting, C-ROB evaluates each program offered by the DOC. During the evaluation the board takes inventory of the existing programs, including their current operating capacity.¹⁵⁹ After they evaluate how the program is operating under the current conditions, the board determines if the program will have an impact on the recidivism rate of each participant. The California Rehabilitation and Oversight Board report their findings to both the Governor and

¹⁵⁶ Written Testimony to Little Hoover Commission Correction System Reform

¹⁵⁷ California Department of Corrections and Rehabilitation. “Division of Reentry and Recidivism Reduction (DORR)” http://www.cdcr.ca.gov/Divisions_Boards/Adult_Programs/DORR.html. (Accessed March 14, 2008).

¹⁵⁸ “California Rehabilitation Oversight Board.” <http://www.cce.csus.edu/conferences/oig/crob07/index.htm>. (Accessed March 14, 2008).

¹⁵⁹ California Department of Corrections and Rehabilitation. “Division of Reentry and Recidivism Reduction (DORR)” http://www.cdcr.ca.gov/Divisions_Boards/Adult_Programs/DORR.html. (Accessed March 14, 2008).

the state legislature on a bi-annual basis on January 15 and July 15.¹⁶⁰ Also included in their evaluation, the C-ROB estimates the number of inmates or parolees not currently participating in these programs who would be likely to benefit from participation.

Out of all the states reviewed so far for this study, California is the only state that has a board that assesses the possibility of recidivism for its ex-offenders. That is not to say that Maryland or Michigan do not conduct oversight on their recidivism programs, but from the literature review, California is the only state that specifically addresses recidivism. This is probably why the board was mentioned because of the political pressure by activists and California's notoriety in the news media as a "revolving door" state.

Other objectives of the DORR are to design an effective program model that will greatly improve the success rate of California's adult offenders' parole. This includes the improvements of the Department of Correction's Project Management Services. Assembly Bill 900 (The Public Safety and Offender Rehabilitation Services Act of 2007) created California's new Reentry facilities and also created new opportunities to develop and restructure the parole system that was previously failing. Under the new system provided by the Public Safety and Offender Rehabilitation Services Act, each county is required by law to have a reentry planning team. The team will include members such as the sheriff, police departments, public defender, the Office of Education/Career Colleges, Mental Health Services/Public Health, Private industry employers, and Community and Faith based organizations.¹⁶¹ These departments, organizations, and individuals will be responsible for assisting the ex-offender in obtaining the housing, work, and

¹⁶⁰ California Department of Corrections and Rehabilitation. "Division of Reentry and Recidivism Reduction (DORR)" http://www.cdcr.ca.gov/Divisions_Boards/Adult_Programs/DORR.html. (Accessed March 14, 2008).

¹⁶¹ California Department of Corrections and Rehabilitation. "California Department of Corrections and Rehabilitation Secure Reentry Program Facilities Plan June 2007." http://www.cdcr.ca.gov/news/docs/SRPF_Plan_White_Paper_6_12_07.pdf. (Accessed March 12, 2008).

medical care that they will need in order to make a successful transition from inmate to productive citizen. The focus on community involvement matches attempts made by Michigan to make a seamless transition from prison back into the community.

The SRPF (Secure Reentry Program Facilities) focus will be on six offender program areas of need based on the population housed at each facility.¹⁶² Some areas will be stressed more than others. The first program area is criminal thinking, behavior, and skill associations which explore why an ex-offender engages in illegal activity and how developing a trade can prevent recidivism from occurring. The second area is aggression, hostility, anger and violence. It is through this program that violent ex-offenders learn to cope with hostility that may have been at the root of their initial offense. By addressing these emotions in a controlled environment, the ex-offender can learn to control negative emotions that may prevent them from building relationships, maintaining employment, or staying out of prison. The third area which is probably the most important for these individuals to stay out of prison is the academic, vocational, and financial focus. By showing the ex-offenders the importance of education, having a marketable trade, and proper savings, it is hoped that through these programs, they can develop enough assets to never consider committing a crime to obtain money. To many ex-offenders the program area on family, marital and relationships will prove to be the most rewarding. As stated in a previous chapter, most prisoners indicated that family support is a key factor for them staying out of prison and engaging in substance abuse. Conflict with a significant other was the second most common problem mentioned by recidivists. A focus on improving the relationship between the inmates and their family is essential to a successful

¹⁶² California Department of Corrections and Rehabilitation. "California Department of Corrections and Rehabilitation Secure Reentry Program Facilities Plan June 2007." http://www.cdcr.ca.gov/news/docs/SRPF_Plan_White_Paper_6_12_07.pdf. (Accessed March 12, 2008).

reentry. The fifth area of concentration, substance abuse, helps the ex-offenders beat whatever addictions plague them. Many of the ex-offenders had or currently have a substance abuse problem, and beating their addiction will keep them from recidivating back to prison or jail. Probably the most important program to the general public is the sex offender program offered by the Department of Corrections. This program area specifically targets ex-offenders who have been charged with a sexual offense such as molestation and rape. It deals with the feelings that lead these individuals to commit such acts and how to control them. Success in these six program areas should give these ex-offenders the tools to successfully reenter society after they have served their term.

Chapter 4

Comparisons and Recommendations

After an analysis of the three states, a number of conclusions can be made about each state's ability to address the causes of recidivism mentioned in this thesis. All three states are making significant attempts to lower the recidivism rate of ex-offenders through their state programs, but not all issues are being addressed fully. Using the causes of recidivism presented earlier, an analysis of the state programs will be conducted, and at the end of this chapter recommendations will be presented.

Poverty

It has been mentioned in previous chapters that poverty leads to a number of behaviors or conditions that eventually lead to crime. High levels of unemployment, lack of education, substance abuse and living in low income areas are often the elements, but not all, that create a recidivist. The programs offered by the three states studied attempt to address these issues, but they have not lowered the chance for ex-offenders to recidivate.

California

California is making decent attempts to address at least some of the poverty issues mentioned in this study. Through the DORR program, they offer programs that help inmates find employment and obtain an education. Partnerships with local colleges and through the Secure

Rehabilitation Program Facility (SRPF) help inmates to better adjust to society once they are released back into society. Programs offered in Maryland and Michigan have not taken such a hands-on approach as California. The SRPF addresses the issue of education and employment directly through the academic, vocational and financial program area.

The issue of substance abuse has also been addressed by California's DORR program... Along with the academic, vocational and financial programs, California has substance abuse training programs in their Secure Reentry Program Facilities. They attempt to end their inmate's addiction by enrolling them in classes and scheduling appointments with substance abuse counselors. Finding the inmates jobs and attempting to end their dangerous addiction could be the factor that starts to improve the conditions of the neighborhoods that these individuals return to once they are released, but unfortunately, that is not the case.

Though well-intentioned the programs, like many other substance abuse programs offered by prisons, are not well funded or equipped. The Parole Reentry Partnership Initiative puts a limit on the number of beds that are required in SRPF's in California. Since no more than 500 beds are allowed in each facility, the number of prisoners the program can reach is limited as well. With a prison system that has over 170,000 prisoners, the California Department of Corrections need serious revisions to their reentry operations.

None of the recidivism programs offered by the state of California expressed an interest in improving the community of the ex-offender. Since most of the ex-offenders in the state come from Los Angeles County, more focus should be on improving living conditions in that area. The DORR could possibly improve communications with community leaders and local law

enforcement to discover what specifically can be done within the community to prevent these ex-offenders from returning to an already overcrowded prison system.

Michigan

Michigan has been credited with having one of the most progressive reentry policies in America. Representatives from the Sentencing Project and Urban Institute both cite Michigan as one of the leaders in successful ex-offender reentry. The Michigan Prisoner Re-entry Initiative (MPRI) addresses most issues of concern to ex-offenders to prevent recidivism including issues dealing with poverty. During the institutional stage, inmates are given jobs that will prepare them to enter the workforce. This is a major step for these individuals since a number of ex-offenders have never seen a paycheck before. The introduction of the ex-offender into the community they will be released back into is an essential psychological step. They will have a chance to begin life with a fresh start and hopefully begin a new honest career. The Michigan reentry program, unlike the programs offered by California or Maryland, has no restrictions on the inmates who take part in their programs. One of the core principles of the MPRI is inclusion.

Issues involving substance abuse are addressed by the Michigan Department of Corrections and the MPRI program through the Going Home phase (phase two) of the reentry process. Before the inmates are released, they are evaluated and treated in a substance abuse program to ensure that once back on the street, they will be clean and sober. Because of the MPRI program's insistence on inclusion, the program targets all inmates who need and request this service.

Despite all of the good information reported on the MPRI, it still has its negative traits in reference to poverty. Though the MPRI has a focus on community involvement, it does not include a strategy on how to combat the negative influences of the low income community to which the ex-offender returns. Areas such as Wayne County, where many parolees are sent after release, need to be involved in every step of the reentry process. As stated before the MPRI does have community involvement in the rehabilitation process, but maybe more can be done.

Maryland

Maryland's recidivism program makes attempts to curb the effects of poverty on ex-offenders. Though these efforts are not as well organized or as well funded as the MPRI program in Michigan, they make a respectable attempt. The education programs that the Maryland Department of Corrections offer includes classes that will eventually lead to a GED. California and Michigan both have education programs as well, but Maryland's program is special since it has a focus on special education, a feature that was not mentioned in the Michigan nor California programs.

Like California and Michigan, Maryland offers job training classes that specialize in a specific trade. They also offer help with job placement at their Occupational Skills Training Center (OSTC). Neither California nor Michigan had a specific facility totally dedicated to job placement for ex-offenders. This service is probably the most valuable characteristic of the Maryland reentry program.

The main weakness in Maryland's reentry program is its lack of resources. Maryland does not have the manpower to support every inmate. Long waitlists are generated waiting for

access to educational programs and job placement services. These waitlists do a disservice to the hundreds of inmates who honestly want to make a change in their lives once they are released.

Recommendations

All three states have made respectable attempts to eliminate recidivism caused by poverty. All three have educational programs, and substance abuse programs, and because of those programs, the communities that the ex-offenders return to should experience an improvement. Funding and manpower, unfortunately, are underlying problems for all of the programs and aren't likely to be readily solved. In 2007 Michigan spent \$1.9 billion on the prison system, a fifth of the general budget, but it's still not enough to cover programs in the entire state. All three states have long waitlists for their programs. Smaller steps could begin an initiative. To combat poverty more attention should be focused on the communities to which ex-offenders return. Community leaders and law enforcement need to work together to come up with specific ways to address the issue. .

Health

An ex-offenders' health is of significant importance. With the rising costs of health care in the country, each state needs to have a focus on health care and obtaining health insurance or affordable health care of these individuals once they are released. An ex-offender who needs medical attention is just as likely to commit a crime for a prescription as they would commit a crime to fuel an addiction.

Michigan

Michigan, through the Michigan Reentry Initiative program, offers program to assist ex-offenders with medical issues, both physical and mental. Thanks to inquiry by the National Commission on Correctional Health Care, reforms are being made within the Michigan prison system.¹⁶³ These reforms address many of the complaints that prisoners had about their quality of medical care while incarcerated. Some of the reforms include changes in the organizational structure, and improvements in both clinical and psychological treatment.

Michigan, unlike Maryland and California, has acknowledged the substandard care their inmates are receiving in the prison, but they still have much work to do in order to provide proper treatment for these incarcerated individuals. The National Commission on Correctional Health Care (NCCHC) identified a number of flaws in the Michigan Department of Corrections' health care program which still need to be addressed properly. The intake process for the inmates still needs to be refined. The NCCHC recommended that Michigan develop a simplified physical for healthy inmates. This is needed since seriously ill inmates are seen the day after they arrive and simplifying appointments for healthy individuals would allow doctors to conduct the first time intake on a timelier basis.¹⁶⁴ The wait on medical care during intake has been a serious concern for individuals in the Michigan prison system. The restructure of the program eliminated previous complaints about the system.

Some recommendations made by the NCCHC might actually be considered a negative for the Michigan system. The focus on only conducting routine annual exams on inmates over the

¹⁶³ Michigan Department of Corrections. "Michigan Department of Corrections Response to the Report by National Commission on Correctional Health Care: A Comprehensive Assessment."

http://www.michigan.gov/documents/corrections/NCCHC_Response_222382_7.pdf (accessed March 18, 2008).

¹⁶⁴ id

age of 50 and giving exams every five years for inmates under 50 who are not part of the chronic disease program, could prove disastrous. Choosing to ignore the inmates under 50 for five years may make treatment easier since they are the majority in the prisons, but the NCCHC may be creating new problem for these men and women in the future. What if an inmate is charged with a crime that does not have a 5 year term? What if the inmate is not seriously ill when they are admitted? If they are not seriously ill and do not have a 5 year term, they may never get medical care. The NCCHC's recommendation does not mention anything about possibly assisting ex-offenders with finding health insurance once they are released.

Maryland

Maryland's health care program has a focus on physical and mental health. Its prison system has a number of facilities that specialize in mental health. In many of these prisons, 24 hour care is provided for mental health patients. This service is not uncommon; Michigan and California both have 24 hour mental health care as well. Unlike the evaluation of Michigan's prison health care system by the NCCHC, an evaluation by the Urban Institute found that the Maryland Mental Health program was operating effectively, but it is much smaller than Michigan's. The same comparison can be made between Maryland and California in regards to size. In fact, in the research for this paper, there were few if any negative reports on the health care inmates received in Maryland's prisons.

Just because there are no negative reports on the prison health care system in Maryland for physical and mental health does not mean that the system is without any flaws. In Maryland it was noted by the Urban Institute that paying for medication was a concern of ex-offenders

after release.¹⁶⁵ The health care program for inmates does not assist ex-offenders in finding health care once they are released. In an earlier chapter it was stated that about seventy-five percent of respondents indicated they would need assistance securing health care once they were released.¹⁶⁶ Without access to affordable health care, the chances of these individuals returning to prison increases. More than two-thirds of the released inmates in Maryland have served time in prison before. The risk of these individuals recidivating is extremely high. The state needs to assist these individuals in any way possible to lower the overall recidivism rate in the state.

California

Unlike Maryland's prison health care system, California's prison health system has been under a microscope for years. In 2004 then state Senator Jackie Speier criticized the California Department of Correction calling the health system "sick."¹⁶⁷ Many doctors and medical staff within the prison system have been charged with incompetence and medical neglect after instances of prisoners dying due to a lack of proper care or complaints of abuse.

Many prisoners in Maryland and Michigan do not trust the quality of doctors that serve the incarcerated. Because of the lack of confidence in the quality of healthcare in prisons, Governor Arnold Schwarzenegger unveiled his plan for comprehensive prison reform in 2006. Included in his plan was \$1 billion earmarked for the addition of 10,000 medical and mental

¹⁶⁵ Urban Institute. "A PORTRAIT OF PRISONER REENTRY IN MARYLAND."

http://www.urban.org/UploadedPDF/410655_MDPortraitReentry.pdf (Accessed Novemebr 26, 2007)

¹⁶⁶ Urban Institute. "FROM PRISON TO HOME: The Dimensions and Consequences of Prisoner Reentry"
http://www.urbaninstitute.org/UploadedPDF/from_prison_to_home.pdf. (Accessed November 18, 2007).

¹⁶⁷ "California Blasted for Poor Prison Health Care." October 14, 2004

<http://www.npr.org/templates/story/story.php?storyId=4109523> (accessed Feburary 7, 2008).

health beds in correction facilities.¹⁶⁸ Also included in that \$1 billion was the increase in space for treatment programs for those inmates with physical or mental problems. Unlike problems faced by Maryland and Michigan, California's health care program for the moment is well funded. The Governor's proposal also doubled the amount of funding from \$52.8 million in 2006 to \$93.3 million in 2007 for drug treatment, counseling, housing assistance, and other anti-recidivism programs. With all of the extra money being allocated to improve reentry programs in California, it is safe to say that out of the three states, California has the brightest future in health care for ex-offenders.

Recommendations

Out of the three states, no one program stands out as either the worst or the best. If it wasn't for the recent reforms in California in regards to funding, California would be regarded as the worse, but thankfully Governor Schwarzenegger has realized the need for change and has made the beginnings of what needs to be done to provide inmates the care they need so they can return to society better off than they left.

Like poverty, funding seems to again be an issue that needs to be addressed for reentry programs. California's \$1 billion commitment to reentry is an example of the sacrifice and planning that is needed to make a real change in the recidivism rate of these ex-offenders. A \$1 billion dollar commitment may not be possible for some states, but any increase in funding will help the prison health care system in most states.

¹⁶⁸ Office of the Governor. "Gov. Schwarzenegger Unveils Comprehensive Prison Reform Proposal." December 21, 2006. <http://gov.ca.gov/index.php?/press-release/4972/> (accessed December 15, 2007).

A plan for ex-offenders to obtain health insurance was lacking in all literature reviewed. Without the access to proper care once these individuals are released, the chances of them recidivating increases. At this point none of the three presidential candidate's health care plan involves finding health insurance for ex-offenders. This makes involvement at the state level all the more important.^{169 170171} One recommendation would be for state governments to use some of its funds to temporarily provide health to ex-offenders for the first three months of their release. Hopefully by this time, ex-offenders will have found employment that will provide them with proper health care.

Housing

Aside from employment, housing is possibly the most important determining factor that decides the success or failure of an ex-offender's reentry process. In the chapter discussing the challenges that ex-offenders face when attempting to find housing, it was discovered that a number of road blocks are in the way. These roadblocks come in the form of loopholes in housing laws that allow discrimination to occur legally. The Department of Corrections of each state is aware of these laws and loopholes and need to address these issues.

Maryland

The Maryland Department of Public Safety and Corrections unfortunately does not have a transitional housing program for its 22,272 inmates once they are released from prison.

¹⁶⁹ John McCain 2008-John McCain for President. "On the Issues." <http://johnmccain.com/Informing/Issues/19ba2f1c-c03f-4ac2-8cd5-5cf2edb527cf.htm> (accessed March 26,2008).

¹⁷⁰ Obama for America. "Health Care." <http://www.barackobama.com/issues/healthcare/> (accessed March 26, 2008).

¹⁷¹ Hilary for President. "Providing Affordable and Available Health Care" <http://www.hillaryclinton.com/issues/healthcare> (accessed March 26, 2008).

Transitional housing is provided primarily through non-profits such as the Prisoner Aid Association of Maryland, Inc (PAA). Programs such as the PAA provide ex-offenders with transitional housing and emergency housing if needed.

Some of the programs provided by the PAA such as the Shelter Plus and the Transactional Housing Program receive direct funding from the Department of Housing and Urban Development.¹⁷² Shelter Plus clients can receive housing up to 5 years, but that program is open to everyone, not just ex-offenders. This makes space very limited. The Transitional Housing Program, however, is reserved for ex-offenders. In this program the ex-offenders are provided jobs and a “strategic plan” for becoming financially sound. Because of the nature of this program, demand is high and space even more limited than the Shelter Plus Program with only 14 units to rent.

Many of the housing programs offered by these non-profits are designed to assist individuals who are homeless, poor, or mentally ill. In the city of Baltimore, where most of the ex-offenders in the state of Maryland return, out of 64 housing programs, only two specialize in serving ex-offenders. One is a Transitional Housing Program provided by the Positive Image Life Change Ministry, Inc and the other one is from the previously mentioned Prisoner Aid Association of Maryland, Inc.¹⁷³ Space and funding of these programs is slim and makes the effectiveness of these programs questionable. Making the situation even direr, ex-offenders who are mentally ill or homeless get no special treatment from these programs once they are released back into society. If an ex-offender who is homeless or mentally ill wants to get into a

¹⁷² Prisoners Aid Association of Maryland, Inc. “PAA Programs.” <http://jewel.morgan.edu/~nmiles/PAAPPrograms.html>. (Accessed March 31, 2008)

¹⁷³ Maryland Department of Human Services. “2008 Directory of Maryland Emergency Shelters and Transitional Housing Programs.” <http://www.dhr.state.md.us/transit/pdf/homelist.pdf>. (Accessed March 31, 2008).

Transitional Housing Program, they will have to compete with the entire city, county, or state for a spot.

Michigan

Michigan does a little better than Maryland in providing transitional housing. The state provides transitional housing, but they do provide some assistance to those on parole through a number of programs, but not for Wayne County where most of the ex-offenders are located. They are in Tuscaloosa County and Lake County, two of the least populated counties in the state. The Michigan Department of Correction (MDOC) acknowledges its need to assist ex-offenders in finding housing.

In the MDOC's most recent study in 2007, it found that 10 percent of returning prisoners needed Michigan Prisoner Re-entry Initiative (MPRI) housing assistance.¹⁷⁴ As a result of this study, the Michigan Department of Corrections has allocated approximately \$2 million through the MPRI to ensure that all returning prisoners have access to permanent, safe, and affordable housing or service programs to assist them in obtaining housing.¹⁷⁵ It is unclear if the \$2 million projection will be sufficient to meet the needs of the state, but compared to the effort that Maryland is offering its ex-offenders, it is substantial.

Thanks to the MPRI programs and its Transition Accountability Plan, local transition teams will assess each returning offender and their housing needs two to four months before their release into the community. This assessment should determine the housing needs for inmates

¹⁷⁴ Michigan Prisoner Reentry Initiative. "Action Brief"
<http://www.michpri.com/uploads/Housing/HousingAction.pdf> (Accessed March 27,2008).

¹⁷⁵ id

with physical or mental illnesses to make their transition back easier.¹⁷⁶ By working with the MPRI system, the odds of the prisoner finding a program that will accept them and is a good fit are increased. This system is far superior to the system offered in Maryland which has no assessment period and the ex-offender is left to find housing options on their own in the prison library or when they are released from prison.

Though the data may show that Michigan, through its reentry program, has almost solved the housing problem for their ex-offenders, it has not. The MPRI merely places these individuals in these programs, if these programs are successful or not is a new issue. Like programs in Maryland, many of these transitional programs are under funded and waitlists are common.¹⁷⁷ Also according to a study by the MPRI, misinterpretation of federal housing regulations is common and result in local practices that exclude parolees from decent housing options for which they may actually qualify...

California

As stated before California is dealing with a much larger prison population than both Maryland and Michigan. The overcrowding of the California prisons has earned California the dubious distinction of having the largest prison system in America. Ten percent of California's prison population and 10 percent of the state's parolees are homeless. In large urban areas such as San Francisco and Los Angeles, where a majority of California's ex-offenders end up, the number of homeless ex-offenders is as high as 30 to 50 percent.¹⁷⁸

¹⁷⁶ id

¹⁷⁷ Michigan Prisoner Reentry Initiative. "Action Brief"
<http://www.michpri.com/uploads/Housing/HousingAction.pdf> (Accessed March 27,2008).

¹⁷⁸ California Department of Corrections, *Prevention Parolee Failure Program: An Evaluation* (Sacramento, CA: California Department of Corrections, 1997).

As was mentioned earlier, Governor Schwarzenegger recently promised an increase in spending for prison reform to lower recidivism rates. As part of that promise, the governor doubled the amount of funding from \$52.8 million in 2006 to \$93.3 million in 2007 for drug treatment, counseling, housing assistance, and other anti-recidivism programs. Most of the funds will be spent on beds for inmates transitioning from prison back into society. There was no mention of spending any of the money to support housing programs that treat ex-offenders.

The California Department of Housing and Development does not have programs that help provide housing for ex-offenders. Its focus is primarily on ending the housing crisis in California by providing affordable housing for citizens of the state. Recently, the Department of Housing and Community Development awarded \$56.1 Million in funding to create housing opportunities for “thousands of northern Californians.” Included in the \$56.1 million funding was \$37 million to the Multifamily Housing Program and its Supportive Housing Component which offers permanent low-interest loans for the construction of new affordable apartment homes and rehabilitation of existing affordable units.¹⁷⁹ The new homes will create affordable home intended for seniors, the disabled, the homeless, and those transitioning from homelessness. No emphasis was included for ex-offenders which seems odd since Governor Schwarzenegger acknowledged the problem faced by California with recidivism and reentry. It would seem logical that when the governor proposed \$1 billion in funding for programs to reduce recidivism, his administration would have realized that housing for ex-offenders would help to reduce ex-offenders’ recidivism rate.

¹⁷⁹ Department of Housing and Community Development. “The Department of Housing and Community Development Awards \$56.1 Million in Proposition 1C and Proposition 46 Housing Bond Funding to Create Housing Opportunities for Thousands of Northern Californians” <http://www.hcd.ca.gov/news/release/02282008PressRelease.pdf> (Accessed February 29, 2008)

Although the Schwarzenegger administration increased funding and focus on certain aspects of the root causes of recidivism, they have overlooked one of recidivism's major determining factors. Since, there is not an increased focus on housing for an ex-offender; they will have to compete with the rest of California's 36,457,549 people who may need transitional housing or housing for mental illness at some point.¹⁸⁰ Non-profits organizations such as Catholic charities, Inc., one of the largest social service agencies in Los Angeles, Ventura, and Santa Barbara counties that assist the homeless are not funded well enough to have a separate program for ex-offenders.¹⁸¹ Organizations like Catholic Charities must draw their funds from donations, and their ability to maintain the same quality of services is not the same as a state sponsored organization. Unfortunately, most of the services that would address the homeless problem in California face this funding issue. If they do not have an issue with funding, the issue becomes availability. Since most housing programs in California do not have a focus on reentry of ex-offenders in the state, they compete with the rest of the population when they are released. California's transitional housing helps ex-offenders when they are about to be paroled, and the governor has increased funding for the program but after they are released from the transitional housing into the community, many issues have not been addressed. California has a serious problem that they need to overcome.

Recommendations

California, Maryland, and Michigan all have made attempts to address the housing needs of their ex-offenders in some ways. Michigan has made the best attempt, though their efforts are

¹⁸⁰ "California Quick Facts from the US Census Bureau" <http://quickfacts.census.gov/qfd/states/06000.html> (Accessed February 11, 2008).

¹⁸¹ Catholic Charities of Los Angeles. "BUILDING STRONG FAMILIES IN EAST LOS ANGELES." <http://www.catholiccharitiesla.org/releases/BrownsonHouseAug04.html>. (Accessed March 2, 2008)

marginal at best. California's efforts are flawed and if not corrected will negatively affect the recidivism rate of the state. Maryland has taken significant steps to provide housing, but like Michigan, many changes still need to take place in order to correct the flaws in the system.

The primary recommendation to all three states seems to be a recurring theme throughout this paper which is to increase funding. The argument could be made that once the ex-offenders leave the state correctional facility and are off parole, it is up to individual to find housing and take care of themselves. After that point they are out of the state's hand, but unfortunately, that approach has led to the high recidivism rate we are seeing in states such as California. The Department of Housing and Urban Development should increase funding to many of these social service organizations so they can build a larger facility to temporarily house ex-offenders while they find permanent housing. By the DHUD funding these programs, oversight and review of them can be conducted to ensure that each one is effective and operating at an optimum level.

Another recommendation pertains to the housing laws in the country. Out of the three states, only Michigan acknowledged the difficulty in finding public housing for ex-offenders. Michigan chooses to simply acknowledge the problem but not address the issue. Perhaps new legislation that specifically addresses housing needs of ex-offenders is needed. If ex-offenders continue to be discriminated against because of the screening process addressed earlier, finding safe, affordable housing will continue to be an issue that will eventually lead to their re-incarceration.

Healthcare and housing issues for ex-offenders are difficult and complex issue that politicians aren't rushing to address. Without much political clout or others to assist them, ex-offenders needs in those areas are likely to continue to flounder with little progress.

Families

The relationship between an ex-offender and his/her family is often an overlooked aspect of reentry. Often issues of substance abuse, housing, and education cannot be addressed with legislation or reentry programs but through the love of one's family. It was found by the Urban Institute's study on Reentry that Maryland prisoners who had strong family support and intimate partner relationships and stronger family support were more likely to be employed after release. It was also found from the same study that they were less likely to have used drugs since their release. Many states recognized this fact and enacted programs to improve inmate relations with family members before their release.

Maryland

During the inmate's preparation for release, social workers work with inmates to prep them for return. Inmates are provided psychological counseling in groups for 90 minutes two times a week. In the sessions inmates are taught how to deal with the stress of life after prison and how to deal with family and marital issues. Issues such as domestic violence and parenting skills are addressed in each meeting.

Unfortunately, these sessions with counselors are about all the state can do for inmates to try and repair relationships with family members. The rest of the work of restoring or continuing relationships has to be done by the inmate. There are non-profit organizations in the state that specialize in families and reentry such as the life skills workshops offered by the Catholic Charities.¹⁸²

¹⁸² Catholic Charities of the Archdiocese of Baltimore. Maryland Re-Entry Partnership <http://www.catholiccharities-md.org/emergency/maryland-re-entry-program.html>. (Accessed March 3, 2008).

Michigan

Michigan's MPRI program has a program similar to Maryland's that analyzes inmates before release with psychological evaluations. Through the first stage of the MPRI process, all aspects of an inmate's family life are charted including domestic violence, the impact of incarceration on relationships, and the involvement of children. The MPRI model also states that it has services available that support family members and children of prisoners, and when appropriate, help to establish, re-establish, expand, and strengthen relationships between prisoners and their families.¹⁸³ In the second stage of the MPRI reentry process, family members, victims, and relevant community members are prepared for the released individual's return to the community. The MPRI programs provide them with protection, counseling, services and support as needed and appropriate. During this stage the MPRI program gauges the willingness and capacity of the family to receive the inmate after their release. During the third and final stage of the MPRI program, the focus shifts to supervision for an undisclosed amount of time. This includes community supervision that begins as soon as the inmate is released from prison. The program adjusts its supervision strategies to the needs of the ex-offenders, any victims, the community, and the ex-offenders family. The focus on the needs of the family is to ensure that any relationship that has built or rebuilt does not change. A family looking after a member who is a recently freed inmate is under a great deal of stress. No one in the family wants their loved one to recidivate, but they do not want their lives to be controlled by their family member's problems. It can be a stressful time to say the least. This is a unique approach for addressing this issue. Out of the three states Michigan is the only state that has such a service for its parolees.

¹⁸³ Michigan Prisoner Reentry Initiative. "The MPRI Model: Policy Statements and Recommendations." January 2006. http://www.michigan.gov/documents/THE_MPRI_MODEL_1005_140262_7.pdf (accessed January 21, 2008).

California

Like Maryland, California has programs to improve and maintain relationships with family members set up for inmates while they are incarcerated. Through the California Department of Corrections' Division of Community Partnerships (DCP), inmates maintain contact with family members.¹⁸⁴ DCP is the department within the Department of Corrections that arranges visitations of family members and friends of the inmate in the prison. It is through this department that its various family reentry programs are run.

One program offered by the Division of Community Partnerships is the prisoner representative program. The focus of this program is to repair or strengthen relationships between inmates and family members.¹⁸⁵ Like Maryland this is conducted through counseling and what the DCP calls "pre-release planning." These sessions teach the inmate how to better cope with the stress of family issues and family life once released. Like in Maryland, California does not conduct supervision of the ex-offenders and family relationships after their release. If the ex-offender needs family assistance once released, they will have to look to non-profits such as Friends Outside, a non-profit organization whose purpose is to address the special needs of families affected by incarceration.¹⁸⁶ Unfortunately, they do not have the funding to help the entire state of California. They have eight chapters spread out across the state of California, including one in Los Angeles County.

¹⁸⁴ California Department of Corrections and Rehabilitation . "Division of Community Partnerships." http://www.cdcr.ca.gov/Divisions_Boards/Adult_Programs/DCP.html. (Accessed January 6, 2008)

¹⁸⁵ http://www.cdcr.ca.gov/Divisions_Boards/Adult_Programs/DCP.html

¹⁸⁶ Friends Outside Los Angeles. "About Us" <http://www.friendsoutsidela.org/aboutus.html> (Accessed April 7, 2008)

Recommendations

After a review of the three states and their efforts to improve the relationship between ex-offenders and their family, three recommendations can be presented. The first recommendation would be for California and Maryland to follow the example of Michigan and form a reentry program that focuses on the similar example of the Reentry Policy Council.¹⁸⁷ The recommendations made by the council have helped Michigan create a family reentry system that has the potential to strengthen the relationship ex-offenders have with their family while also possibly reducing recidivism. The analysis and charting of problems and potential problems will help the inmate and their families maintain or repair their relationships in the months and weeks before the inmate's release. A stable family relationship might not reduce the inmate's recidivism rate, but judging from studies and interviews conducted with ex-offenders, a stable family unit is one of the essential elements needed for an ex-offender to stay out of prison.

The second recommendation one can make from the data provided pertains to the support of non-profit organization that specialize in families of ex-offenders. These organizations have years of experience dealing with recently released ex-offenders. Michigan has just recently begun to help ex-offenders and their families, but the assistance of outside organizations is needed. Maryland and California don't assist ex-offenders families like Michigan does, but both states would be wise to make partnerships with some outside organizations. Unfortunately, support of these organizations will result in a common issue addressed in this study, a need for increased funding which is sure to cause a great deal of debate and controversy if ever presented before a state legislature or governor.

¹⁸⁷ Reentry Policy Council. "Policy Statement 34, Recommendation D".
<http://reentrypolicy.org/Report/PartIII/PolicyStatement34/Recommendation34-D> (Accessed December 4, 2007)

Plea Bargaining and the Public Defender System

Unfortunately there is no real effort in any of the three states to correct any of the problems in the public defender system or issues of plea bargaining. Most states refuse to acknowledge there is a problem with the public defender system in America. The state of Maryland employs 500 public defenders for the entire state. That may sound like a large number but considering the number of cases that are heard in a given year, that number is far too few. California and Michigan court systems face the same public defender issues as Maryland. Often the issues are not just the number of lawyers; it is the quality and desire of the attorney.

The hiring of more public defenders might not correct plea-bargaining issues, but changes in the way public defenders are appointed to cases and an increase in salary may help. Many lawyers do not see being a public defender as a desirable profession because it has low pay, long hours, and heavy caseloads. Too many cases and long hours might interfere with the quality of an attorney's performance, no matter how good the attorney really is. It is not surprising that plea bargaining may be encouraged if the attorney feels it is a safer choice than trial for the client. It may not, however, be the wisest choice in some cases. .

Prisonization

Not much is being done to address the effect of prisonization in any of the states, but it has been acknowledged as a problem in various studies. The Urban Institute's roundtable meeting in 2004 identified prisonization as a factor that could lead to recidivism in ex-offenders, but it was not addressed.¹⁸⁸

¹⁸⁸ Urban Institute. "Prisoner Reentry and Community Policing: Strategies for Enhancing Public Safety" http://www.urban.org/UploadedPDF/411107_PrisonReentry_CommPolicing.pdf. (Accessed March 2, 2008).

Though the term prisonization is not mentioned in any of the literature reviewed for the three states, steps by each state have been put in place that may have an effect on it. The psychological evaluations that are conducted through the MPRI program in Michigan, for example, could detect the effect of prisonization on an ex-offender. It is unknown if they can identify its effect through their current testing since those psychological tests look for effects of specific mental disorders such as post-traumatic stress disorder or bi-polar disorder. Prisonization is not a mental condition that is defined in the same manner as a mental illness, one treated by a psychologist. Maryland and California both conduct similar psychological evaluations on prisoners before release, but the reduction of prisonization is never mentioned.

All three states have programs that teach inmates skills while incarcerated that they will need once they are released. Programs such as the family skills workshop or anger management are provided by Maryland and can all have an effect on the ending impact prisonization has on inmates once they leave. It is probably best not to have programs focus on prisonization when inmates are still incarcerated since the classes could be interpreted by the inmate as another aspect of prison life.

One recommendation that can be made for all three states would be to create a program that focuses on prisonization that ex-offenders would be required to enroll in once they are released, if it wasn't done upon initial entrance to jail or prison. The program would be a mandatory part of the ex-offenders parole requirement. The length would depend on the ability of each state to fund it, anywhere from six months to a year. The class would be run by a combination of social workers and ex-offenders. The addition of the ex-offenders as instructors would give the program credibility in the eyes of the recently released ex-offenders, and it would create more ex-offender job opportunities. The creation of a new program that would create new

jobs will have to have substantial funding. To save money the first couple of years of the program's existence, it could be run as a non-profit until an estimation of its cost per year could be determined. After an estimation of cost is final, the state government could fund the program at a level it determines is appropriate.

Chapter 5

Conclusions

What has been learned from this study? This study has shown a number of truths about the reentry systems in Maryland, California, and Michigan. Thanks to the work of groups such as the Reentry Policy Council and organizations such as the Urban Institute and the Sentencing Project, a lot of progress has been made. Unfortunately, a lot more work needs to be done in order to reduce the recidivism rate by even greater levels. Many of the recommendations that have been made will require more funding than most states will be willing to give. It is noted that a large increase in funding could result in taking money from other programs offered by the state, but the increase in funding does not have to be that dramatic. An increase of a couple of hundred thousand dollars could be the difference between a decrease in recidivism of 2% and an increase in recidivism by 2%. If one looks at the difference in Michigan's recidivism rate since the introduction of the MPRI program in 2005, it is clear that restructuring of the reentry system in America is possible and necessary.¹⁸⁹

The recommendations provided by the Report of the Reentry Policy Council proved to be beneficial to the MPRI reentry program of Michigan. Most of the recommendations of the council were used to shape the focus and the MPRI strategic plan. As a result, out of the three states, Michigan proved to be the most prepared state to receive parolees and prevent them from recidivating. Their programs focused on most of the root causes of recidivism. The three phases

¹⁸⁹ Michigan Prisoner Reentry Initiative. "MPRI Pilot Sites: Communities Dedicated to Reducing Crime & Increasing Parolee Success." <http://www.michpri.com/uploads/File/otherDocs/MPRI%20Pilot%20Sites.pdf> (Accessed March 4, 2008).

of reentry developed by the Policy Council helped to prepare and properly transition the inmate back into society, and it helped to monitor the prisoner's progress in the months before the inmate was to be released. California and Maryland have not followed the recommendations of the Reentry Policy Council, but they have attempted to make changes in their reentry policy. California's recidivism has not dramatically changed, and Maryland's rate is about the same, so not much has changed using the systems that they developed themselves. During the first two years of the MPRI program, the participants had a 23% recidivism rate compared to non-participants of the MPRI program who had a 48% recidivism rate. The MPRI program can boast a 77% success rate for their program, which is outstanding given the low success rates of California and Maryland in comparison. Clearly the recommendations of the Reentry Policy Council are legitimate and should be adhered to strictly. If the recommendations made by the Reentry Policy Council can reduce the recidivism rate for ex-offenders this much in Michigan, just imagine what the effects would be if a program like the MPRI program was established nationwide. The results of the nationwide program could have results that would not just reduce recidivism rates but it could solve the nation's overcrowded prison problem since a majority of prisoners would not be returning to prison. Michigan has already begun to take steps toward making the MPRI program run statewide. Once that occurs a gradual reduction in the state recidivism rate should follow. States such as Maryland and California should follow Michigan's example.

As stated before, an increase in funding seemed needed for all states. Out of the three states, California seemed to realize this the most. Governor Schwarzenegger's \$1 billion earmark for the addition of 10,000 medical and mental health beds in correction facilities and the \$93.3 million promised in 2007 for drug treatment, counseling, housing assistance, and other anti-

recidivism programs shows that California is serious about reducing the recidivism rate in the state. Michigan and Maryland need to follow California's lead in increasing funding to recidivism programs in their states respectively. Michigan, however, has the greatest need to maintain or increase the funding of their reentry program. Its MPRI program, in order to go statewide and be effective, needs to have adequate funding for all of the monitoring programs that it offers. Under funding the program once it is enacted statewide could seriously affect its proven ability to reduce recidivism rates. For Maryland, the funding problem is affecting programs that may assist the inmates to successfully turn their lives around once they are released. Education, work, and life skills programs are understaffed and have long waitlists to enter. A small increase in funding could totally reshape these reentry programs to become the models by which other states model their programs.

An increase in funding to reentry non-profit organizations could help reduce the recidivism rate as well. If the state Department of Corrections were to partner with some of these organizations who have been assisting ex-offenders for years, the results could be felt nationwide. By providing additional funding to non-profit resources such as manpower which is lacking in the prison system, large amounts of time can be saved. Most non-profit organizations' main complaint is about the lack of resources available to them. If a state Department of Corrections or other departments within the state government provided these organizations funding, then all parties' interests can be served and ex-offenders can get the proper services that they need to start new lives once released.

It was also learned from this study that the exclusionary tactics used to create prison education programs needs to be eliminated. In Maryland there were a number of exceptions present for prisoners to take special education classes or other classes. There are age limits and

prison term limits that prevent certain prisoners from taking these classes. These limits on who can qualify for certain education programs do a disservice not just to the inmates who are trying to better themselves, but it discredits the entire education program. In Michigan it was stated that there are exceptions for when a prisoner cannot receive a GED such as prisoner having a learning disability or not being in the system long enough.¹⁹⁰ The learning disability reasoning is valid, but they should still be able to have a substitute for disabled inmates that will be of service to them once the inmate is released. The exclusionary stipulations only increase the chance of these inmates recidivating after they are freed.

No program in any state had a focus on rebuilding the troubled communities from which a majority of the inmates come. The three states studied know that most of their ex-offenders are from the major cities but not much is being done to assist in the rebuilding of these communities. The Department of Corrections of each state needs to work closely with the Department of Housing and Urban Development and the Urban Planning departments within their own states to develop programs or policies to create more job opportunities in these troubled areas. Most of these urban areas experience a high level of unemployment and high standard of living which raises the chances of crime occurring out of desperation. Perhaps the Department of Education can work with the state Department of Corrections as well as improve the conditions of the inner city schools. The Department of Corrections could send over an inmate in a work release program to local schools to talk about the risks of crime and how it affects one's life. This program would be similar to the Scared Straight documentary of the 1970's. Some have questioned the effectiveness of "scarred straight" programs citing that they don't deter crime but

¹⁹⁰ Phone interview with Michigan Department of Corrections official

actually lead to more criminal behavior.¹⁹¹ This program would be different than other scared straight programs since the inmate would be visiting students in the school and would be from the same neighborhood from which students came. That would create a personal connection between the students and the inmate.

After reviewing the literature, the effect of prisonization on inmates should be of concern to all correctional facilities. Given the nature of prisonization, it is often unknown what the effects of prisonization are until the inmate is released. An inmate could have all of the education, substance abuse treatments, and have housing waiting once they are released, but if they cannot adjust to life outside of prison, they are doomed to recidivate. Offering a prisonization program upon entering jail or prison or upon release from prison would help inmates/ex-offenders adjust to life in prison and after prison. Prisons need to conduct more psychological analysis of their prisoners to reduce the effect of prisonization. Though prisonization is acknowledged in scientific studies on recidivism, it has not been mentioned as an area of concern for study in any of the three states studies here.

The mental health programs offered by Maryland, California and Michigan will help reduce the effect of prisonization before they are released. Once they are released, it will be more difficult. A non-profit or the Department of Corrections in states needs to develop a program that involves participation by both psychologists and ex-offender. It could serve as a support group for ex-offenders while they adjust. If they are able to voice their concerns in an environment where everyone in the room has had similar experiences, the long term adjustment back into society might be easier and reduce the prisonization effect.

¹⁹¹ “Scared Straight and Other Juvenile Awareness Programs for Preventing Juvenile Delinquency.” <http://www.campbellcollaboration.org/doc-pdf/ssrupdt.pdf>. (Accessed February 1, 2008).

Another issue that is of particular interest is the effect of plea bargaining and the public defender system on recidivism. Given the workload of these lawyers, it is no surprise that sometimes they do not give their all to every case. The hiring of more public defenders might not correct plea-bargaining issues, but it would certainly help reduce the workload for public defenders. Too many cases and long work hours probably interferes with the quality of an attorney's performance, even if the attorney is outstanding. It is not surprising, as stated earlier, that plea bargaining may be encouraged if the attorney feels it is a safer choice than trial for the client. It may not, however, be the best choice in some cases. One cannot help but wonder how many ex-offenders might have been sent back to jail or prison because they took a plea out of fear. Although a clear link was not established in this thesis between plea bargaining and recidivism, it does bring about an issue for study. One cannot deny the fact that 95% of defendants who were convicted of a felony gave their right to a trial by jury taking a plea bargain. Perhaps providing a small grant for university faculty to research the role that plea bargaining plays on recidivism is needed. A well-thought out research design to tackle the issue should provide clearer answers to the issue.

An issue that is not being addressed by any of the three states studied is the effects of America's housing laws on ex-offenders. The loopholes caused by 42 U.S.C. § 13661(c) prevent ex-offenders from finding any type of stable housing. There are non-profit organizations such as the Legal Action Center who are lobbying lawmakers for housing law reform in regards to ex-offenders.¹⁹² Since housing is a key component mentioned by parolees as an indicator of success,

¹⁹² Legal Action Center. "LAC Activities and Services." http://www.lac.org/activities/activities_top.html (Accessed March 9, 2008).

Department of Corrections across the country need to help the non-profits lobby lawmakers to develop their arguments to highlight the recidivism risk linked to current housing laws.

Issues of transitional housing were not adequately addressed by any of the states. Housing was available for inmates who were about to reenter society through halfway houses but not for those who had been freed longer. Michigan through its MPRI program gives inmates help in locating housing with various non-profit organizations, but unfortunately Maryland and California do not. More housing programs designed for ex-offenders need to be provided. Most of the transitional housing programs that are offered by non-profits are intended for the homeless or substance abusers, not ex-offenders. When ex-offenders are released, they often have to compete with these individuals to get accepted into the program, and it's even worse for ex-offenders with mental and physical problems. It seems from this study that housing programs be expanded to include ex-offenders. Also legislation needs to be introduced that specifically addresses housing for ex-offenders.

The health and well being of ex-offenders is another issue that was not properly addressed by any of the states. California pledged to build medical facilities for inmates with 500-beds and Michigan worked on reforming medical care in prison. However, neither addressed the issue of health care costs. There are no plans in place to help ex-offenders get medicine or find affordable health insurance. The current presidential candidates have not offered a plan to provide affordable health insurance for recently released ex-offenders. It is recommended that plans be put in place by state legislators to provide affordable healthcare for ex-offenders.

Through research conducted for this paper, it has been found that there have been no studies to show any connection between a loss of voting rights for ex-offenders and ex-offender recidivism. It would be safe to assume that since there has been no study linking recidivism to the loss of voting rights for ex-offenders, that there is no connection as previously implied. However, one cannot deny the political implications of ex-offenders not being able to vote. The sheer number of ex-offenders not voting equals the size of some states or cities in America or a congressional district. A number of these ex-offenders, if they were to vote, may favor one political party over another or band together to vote for a particular issue of concern.

It was determined that there was inconclusive evidence to show the psychological effects of the loss of voting rights on ex-offenders. The lack of data in this area could be of interest to future researchers. It was suggested at the beginning of this study that ex-offenders may have a feeling of worthlessness with their reduced status in society from not being able to vote in elections. Of course one's inability to vote will not be the only reason an ex-offender may recidivate, but having the right to vote might enhance the self-esteem of many ex-offenders feel once they are released. The Civic Participation and Rehabilitation Act would restore voting rights act for ex-offenders if passed. Will ex-offenders' votes make a difference if this bill becomes law?

A national reentry program is needed. The Department of Justice, Department of Housing and Urban Planning, the Department of Education and Department of Health and Human Services will have to play a major role in the formation and funding of such a program. It is recommended that a national multi-agency program on re-entry for ex-offenders be created that will work collaboratively with state Departments of Correction. The recommendations presented in this study are not the only solutions for solving the reentry problem in America but

seem most realistic given the current state of the economy. The emphasis should not only be on the creation of a national multi-agency program, but on reorganizing the management of all reentry programs for the most efficient results.

The demographic data that was collected for this study did not show any surprising results. As expected a majority of the ex-offenders released were from low income urban areas. Because of the location of these urban areas, a majority of these of the ex-offenders were from an ethnic minority group. However, it was particularly surprising that most ex-offenders in the three states studied came from particular neighborhoods of these low income urban areas. It was found in Baltimore, where a majority of Maryland's ex-offenders return, that close to thirty percent of the released prisoners who returned to Baltimore City went back to just 6 of 55 communities, which were some of the most impoverished sections of the city. As discussed at the beginning of this study, poverty is one of the leading causes of recidivism. Once these individuals are released from prison they return back into poverty, creating a seemingly endless recidivism cycle to the prison system. Since 46% of incarcerated individuals have a high school diploma and education programs within prisons are understaffed and unfunded, the opportunities for a decent living in urban areas where the standard of living is often higher than the rest of the state is low.

Future Research

For future research in this area should include a study on recidivism of juvenile and sexual offenders. Because of the time constraints of this study, these two groups were not included. What can be done to prevent these two groups from recidivating? If effective ways are found to reduce recidivism for juveniles, our adult prisons should eventually begin to

experience a decline in population. What effect does prisonization have on juvenile offenders? Is prisonization's effect greater on a juvenile offender because of their age and limited world experience? Does the housing assignment structure in prison contribute to the sexual offender's problem? Can separation from children or the opposite sex deter sexual offenders from committing similar crimes in the future? All of these questions are points that could be studied in the future. One would think that some of the psychological programs that are offered would be the most beneficial to these offenders since they would most likely be under the most psychological pressure.

The characteristics of juvenile offenders in America are starkly different than adult offenders. It was found in a study by the National Center for Juvenile Justice in 2002 that 77.9% of the juvenile population was classified as white, 16.4% black, 1.4% American Indian, and 4.4% Asian.¹⁹³ In the adult prison population, the largest racial group was comprised of African-Americans. This is a phenomenon that would be of interest to study. There have been numerous reports, studies, and books about African-Americans and why their incarceration rates are so high in the adult prison system, but there have been none with a focus on the high rate of white juveniles incarcerated. A future study could examine the lack of recidivism of white juvenile offenders in the prison system.

The recidivism rate of sexual offenders can be examined as well. The recidivism risk of offenders such as rapists and child molesters are of concern to parents and non-parents alike. The Bureau of Justice Statistics found that within 3 years following their release, 5.3% of sex offenders (men who had committed rape or sexual assault) were rearrested for another sex

¹⁹³ National Center for Juvenile Justice. "Juvenile Offenders and Victims: 2006 National Report" <http://ojjdp.ncjrs.org/ojstatbb/nr2006/downloads/chapter1.pdf>. (Accessed March 13, 2008)

crime.¹⁹⁴ It was also found by the Bureau of Justice Statistics, in the same study, that when compared to non-sex offenders released from State prisons, released sex offenders were 4 times more likely to be rearrested for a sex crime. Knowing these statistics it becomes imperative that a proper reentry program be developed for these sexual offenders. More than any other inmate sexual offenders probably require more psychological treatment more than anyone else. A future study could examine the effect that of psychological treatment in prison had on sexual offenders. Was it helpful? Was there any difference in recidivism between those offenders who were not treated and those who were not treated? Does length of treatment matter? If these individuals are not receiving any kind of psychological treatment and did not recidivate in three years, what stopped them? Is there a link between plea bargaining and recidivism? In this paper a clear link between recidivism and plea bargaining was not found and future research may be required. All of these questions could be answered in a future study on recidivism.

Limitations of the Study

This study has a number of limitations that have become apparent after its completion; the primary limitation is the large amount of information available on this subject. Many conducting research might see an overflow on information as an asset to their studies, but in this case, it was a hindrance at times. There was an overwhelming amount of demographic information. With so much information available on recidivism and reentry, in the interest of time, many subjects were either overlooked or merely touched on briefly. Subjects such as the above mentioned sexual offender recidivism and juvenile recidivism. Information focusing on

¹⁹⁴ Bureau of Justice Statistics. "Recidivism of Sex Offenders Released from Prison in 1994." <http://www.ojp.usdoj.gov/bjs/abstract/rsorp94.htm>. (Accessed March 14, 2008).

race and gender was mentioned, but it was not a prime focus since the amount of information on each was so abundant. This study focused on recidivism issues and causes that are generally overlooked by most researchers at non-profits and writers at news organizations. Though mentioned in this study, there was not any in-depth analysis on federal prisons since most of the prisoners in the American prison system come from state prisons or local jails. A comparison between America and other industrialized countries was meant to be included but time constraints prevented this information from being included.

Addendum

During the finalization of this thesis, President Bush signed into law the Second Chance Act on April 9, 2008. This bill addresses many of the issues discussed in this study including increasing funding to reentry programs and forming partnerships between government agencies and non-profit organizations. It also formalizes the Prisoner Reentry Initiative that will assist ex-offenders in finding work once they are released.

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