

Backgrounder



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The Challenges and Impacts of Prisoner Reentry

Overview

Each year approximately 600,000 inmates are released from state prisons. Of these, 67 percent will be rearrested and 52 percent will be re-incarcerated within three years. The cost of prisoner reentry is difficult to estimate but given that a prison-bed costs an average of \$22,650 per year and that the average time served is 19 months for technical violators and 31 months for releasees convicted with new sentences, the fiscal implications are clear. In 2004, states spent an historic estimated \$40.7 billion on corrections—a figure that does not reflect other related criminal justice and victim costs.

Research shows that providing services in addition to post-release supervision, such as substance abuse treatment, mental health services, job placement, vocational training, and educational programming, can lower recidivism rates and improve outcomes for former inmates. Unfortunately, the services typically available are uncoordinated, poorly resourced, and far from comprehensive. For example, local law enforcement is often unaware of the return of high-risk offenders to communities; local health systems may be unaware of returning offenders with communicable diseases; returning offenders and state correction officials may not know where to seek adequate medical or mental health treatment in communities; and in-institution work programs may not be aligned with local workforce needs or state prohibitions.

Effective reentry policies save money and make better use of limited resources by establishing a more coordinated and comprehensive continuum of care and supervision. Even small reductions in recidivism rates will generate substantial cost-savings by avoiding more costly re-incarceration. For example, according to research conducted by the Federal Bureau of Prisons, the net cost for cognitive skills training programs is approximately \$308 per person, while the net benefit, in terms of reductions in criminal justice expenditures and victims costs, is \$7,104 per person. Likewise, well-run prison industry programs cost around \$1,800 per person, while the net benefit is \$9,413.

Improved prisoner reentry strategies need to involve corrections, public safety, workforce, health, mental health, welfare, child welfare, and education systems at state and local levels. They also need to include community- and faith-based organizations. Coordinating services across these agencies and in conjunction with post-release supervision requires state leadership and holistic approach that balances public safety with the needs of former inmates. With approximately 2.2 million people currently incarcerated in prisons and jails nationally—the vast majority of whom will be released—prisoner reentry will require ongoing attention for the foreseeable future.

This background paper briefly examines four major dimensions of prisoner reentry:

- issues facing returning prisoners;
- impact of prisoner reentry on families;
- impact of prisoner reentry on communities; and
- challenges to prisoner reentry.

Returning Prisoners. Returning prisoners confront a range of personal issues that jeopardize their chances of succeeding in the community and, in some instances, make it more likely that they will recidivate and be reincarcerated.

Some important facts about the prison population:

- 80 percent have a history of substance abuse.
- 16 percent are diagnosed with a mental illness. Prisoners are two to four times more likely to be schizophrenic, depressed, bipolar, or suffering from post traumatic stress disorder than the general population. Of teens in juvenile detention centers, nearly 66 percent of boys and 75 percent of girls have at least one psychiatric disorder. Seventy-three percent of mentally ill inmates also suffer from a co-occurring substance abuse disorder.
- Many already are or will become homeless. For example, a study of the New York prison system found that 11 percent of released prisoners entered a homeless shelter within two years of release.
- 25 percent of the US population currently living with HIV or AIDS was released from prison within the last year. Overall, 2 to 3 percent of the prison population has HIV or AIDS. The rate of state prisoners testing positive for HIV is five to seven times greater than in the general population.
- 18 percent have hepatitis C. The rate of prisoners infected with hepatitis C is nine to ten times higher than the general public.
- 7 percent have tuberculosis.
- 70 percent are high school dropouts and roughly half are functionally illiterate.
- Most are unemployed upon release. (Nearly 75 percent were employed prior to incarceration. Of these, about half were employed full-time.)
- Earning potential for ex-inmates drops 10-20 percent compared to what they were earning prior to incarceration.
- 55 percent of males and 65 percent of females in prison have minor children.
- Female offenders confront serious physical and mental health issues (over 60 percent have a history of physical or sexual abuse) and long-term substance abuse issues.

Although addressing these issues may not necessarily be the primary responsibility of corrections or law enforcement, *not* providing adequate access to services or treatment jeopardizes the chances of successful reentry and negatively impacts public safety.

Families and Children. About 1.5 million minor children have a parent who is incarcerated in prison. One out of 14 African-American children have a parent in prison. Parents who have been incarcerated face a number of challenges in reestablishing relationships with their families. Many fathers are released from prison with large child support arrearages. Many mothers may have lost custody of their children under the conditions of the Adoptions and Safe Families Act (AFSA). Other challenges include ineligibility for benefits, such as health insurance, ineligibility for public assistance, and the challenge of managing the conditions of their release while trying to parent their children.

It is important to note that while female offenders account for only 6 percent of the prison population and 12 percent of the parolee population, their numbers and percentages are rapidly growing. From 1990 to 1998, the number of women in prison increased by 88 percent, on probation by 40 percent, and on parole by 80 percent. Female prisoners are also more likely to be minorities and more likely to be poorer than their male counterparts. They are also more likely to be placed in institutions farther from home (on average 160 miles farther from their communities and families than their male counterparts). This growth will have a significant

impact on families as female prisoners are more likely than their male counterparts to be parents and have had custody of their children prior to incarceration.

Communities and neighborhoods. Prisoner reentry disproportionately impacts disadvantaged communities and neighborhoods, typically central cities. Returning prisoners are concentrated in specific communities. For example, in Maryland 59 percent of prisoners in the entire state return to the city of Baltimore, and most of these return to only a handful of poor neighborhoods. Likewise, of the 15,227 men and women released from Georgia prisons in 2003, 43 percent returned to 8 of the state's 159 counties. Of the prisoners who returned to the city of Atlanta, the majority were concentrated within five zip code areas within or immediately adjacent to the city boundary. It is important to note that these five zip code areas also have large numbers of families living in poverty, higher-than-average unemployment, and high numbers of female-headed households, as compared to the state.

Nationally, five states account for nearly half of all releases and 16 states for three-quarters. Within these states, the majority of released prisoners return to only a few neighborhoods. In these neighborhoods, large percentages of individuals are either in correctional institutions or are under some type of correctional supervision. For example, in some neighborhoods in Brooklyn, New York, one in eight men are sent to prison each year. This problem is further compounded because these neighborhoods have high unemployment rates and offer few job opportunities.

This churning of large numbers of individuals between prisons and communities has a tremendously destabilizing impact on already disadvantaged communities. In fact, research suggests that such high concentrations of returning prisoners and the movement of individuals in and out of prison actually drives crime rates up in these disadvantaged communities.

Challenges to Successful Reentry. Returning prisoners confront a number of challenges that make it difficult for them to gain access to jobs, benefits, or services that might assist in their transition back into the community. The following highlight some of the challenges returning prisoners face in securing and maintaining employment, accessing benefits, obtaining housing, obtaining a state-issued identification, and paying for education.

Barriers to Employment

There is a growing body of research that shows a clear relationship between work and criminality. For example, research shows that higher rates of labor force participation correspond to lower crime rates among returning offenders. Additionally, as wages go up, criminal behavior decreases, and as legitimate earning increases, illegitimate earnings decrease for this population. Conversely, research shows that job instability leads to higher arrest rates.

However, despite the well-documented public safety benefits of employment, most returning prisoners do not have jobs before being released and do not fare well in the labor market. For example, a study of California parolees found that only 21 percent had full-time jobs, 9 percent had "casual jobs," and 70 percent were unemployed. Another study found that employment rates among young men who had been incarcerated are 20-25 percent lower than their peers who have not. Other studies show a 50 percent reduction in job offers for individuals with criminal records and 64 percent decrease for African-Americans with criminal records.

In addition, there are some other facts to consider:

- While states can issue “certificates of rehabilitation” to lift bars to employment for certain professions, only six states currently do so—Arizona, California, Illinois, Nevada, New Jersey and New York.
- Employers in most states can deny jobs to—or fire—anyone with a criminal record, regardless of individual history, circumstance, or “business necessity.”
- Twenty-nine states have no standards governing the relevance of conviction records of applicants for occupational licenses. That means occupational licensing agencies can deny licenses based on any criminal conviction, regardless of history, circumstance or business necessity. (21 states do have standards that require a “direct,” “rational,” or “reasonable” relationship between the license sought and the applicant’s criminal history to justify the agency’s denial of license.)
- Thirty-six states have no standards governing public employers’ consideration of applicants’ criminal records; 45 states have no standards governing private employers.

Despite these challenges, there are indicators that suggest that employers are more willing to hire ex-offenders if third-party intermediaries, such as social service organizations, faith- and community-based organizations, or parole, are involved. Furthermore, employers are also more likely to hire ex-offenders if they are aware of incentives, such as Federal Bonding, Work Opportunity Tax Credit, and Welfare-to-Work programs.

Bans to Public Assistance

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 includes a lifetime ban on eligibility for food stamps and cash benefits under the Temporary Assistance for Needy Families (TANF) program for anyone convicted of a drug-related felony. The law also prohibits states from providing TANF assistance, food stamps, supplemental security income (SSI), and public housing to anyone in violation of their parole or probation. This ban is irrespective of whether or not an individual has completed their sentence, been employed and was laid off, or earned a certificate of rehabilitation.

States have the option of passing legislation to limit the ban or eliminate it altogether. Currently:

- Most states restrict at least some people with drug felony convictions from being eligible for federally funded public assistance and food stamps.
- Seventeen states have adopted the federal drug felon ban without modification.
- Twenty-one states have limited the ban to enable those with drug felony convictions to get public assistance if they meet certain conditions (e.g., alcohol or drug treatment, waiting period, “possession only” conviction).
- Twelve states have eliminated the ban entirely.

In addition to these restrictions, there are often long delays in processing applications for benefits for returning offenders. These delays are significant because returning prisoners are at the highest risk for committing new crimes when they are first released. Access to public benefits, including health care, supports successful reentry by helping returning prisoners support themselves and their children without resorting to illegal activities.

Public Housing Restrictions

At least 10 percent of returning prisoners are homeless both before and after incarceration. The rate is twice that—20 percent—for those with mental illness. According to one study, for those prisoners returning to major cities, the rates are substantially higher—30 to 50 percent. While there is limited evidence demonstrating the link between homelessness and criminal behavior, several preliminary studies indicate that returning prisoners with more stable housing may be less likely to be reincarcerated.

There are a number of challenges for returning prisoners to find secure housing. Affordable, transitional, and supportive housing is extremely limited and federal laws give local housing agencies the authority to decide whether or not to bar individuals with criminal records from public housing. The law also gives them the authority to consider arrests that never led to conviction.

Housing authorities have responded in a number of ways:

- In a majority of states, public housing authorities make individualized determinations about an applicant's eligibility that include considering the person's criminal record, as well as evidence of rehabilitation.
- In 47 states, public housing policies provide for individualized determinations.
- In 3 states, housing authorities do not make individualized determinations but instead flatly ban applicants with a wide range of criminal records.
- Many public housing authorities consider arrest records that did not lead to conviction in determining eligibility for public housing.

Difficulty Obtaining State-Issued Identification

Many prisoners are released without state-issued identification or without the documentation (e.g., birth certificate, social security card) that would allow them to obtain state-issued identification. Furthermore, many state departments of motor vehicles do not accept prison documents as proof of identification. However, two states—Illinois and Montana—have laws requiring the department of motor vehicles to exchange department of corrections-issued identification for state-issued identification and twenty state departments of motor vehicles accept correction identification as proof of identity. Without proper forms of identification, returning prisoners may not be able to apply for jobs, benefits, or housing.

In addition to the difficulties in obtaining state-issued identification, in 1992, Congress passed a law withholding 10 percent of certain highway funds unless a state enacts a law revoking or suspending driver's licenses of anyone convicted of any drug offense for at least six months after the time of conviction. States can opt out of the law, limit it to drug convictions related to driving such as driving under the influence of a controlled substance, and impose a longer period than six months.

- Twenty-seven states automatically suspend or revoke licenses for some or all drug offenses; of these 21 limit the revocation or suspension of licenses to six months for a first offense.
- Twenty-three states either suspend or revoke licenses only for driving-related offenses or have opted out of the federal law.
- Four states – Colorado, Delaware, Massachusetts, and South Carolina – revoke or suspend drivers' licenses for longer than six months for drug convictions unrelated to driving.
- Thirty-two states offer "restrictive licenses" so individuals whose licenses would otherwise be suspended can go to work, attend drug treatment, or obtain an education.

Ineligibility for Financial Aid

Many returning prisoners are working toward raising their academic levels as a means to improving job prospects and legitimate incomes. They face a number of challenges, however, including cuts in in-institution educational programs and a lack of community-based programs. Additionally, the GED—the goal of most correctional education programs—provides only a limited benefit in terms of improved earnings. The true worth of a GED is as a stepping stone to post-secondary education. However, there are prohibitions for financial aid for returning offenders. The Higher Education Act of 1998 makes students convicted of drug-related offenses ineligible for any grant, loan or work assistance. Financial aid is suspended for varying lengths

of time, depending on the type of offense and whether or not it is a repeat offense. A person convicted of a drug-related offense who is in school may become eligible for a student loan before the end of the suspension period if he or she completes substance abuse treatment approved by the Secretary of Education and passes two unannounced drug tests. This type of ineligibility extends to no other category of crime and has impacted at least 150,000 individuals.

Conclusion

Public safety is the goal of prisoner reentry. Recognizing that many ancillary supports (e.g., substance abuse and mental health treatment, skill and cognitive training, housing supports, jobs etc.) help reduce recidivism rates, states are adopting interdisciplinary strategies that improve how prisoners are released from prison.

By crafting strategies that address the personal and systemic challenges described above, states have the opportunity to reduce recidivism rates, improve public safety, and make better use of existing resources. This will require, however, a shift from prisoner reentry being a corrections and law enforcement issue to a public safety issue that involves a number of state and local systems working toward the development of more comprehensive and coordinated services.

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