

After Release: The Challenge of Successful Reentry

BY CHARLES J. HYNES

The explosion of the nation's incarceration rate over the last few decades has now led to a corresponding boom in the rate of ex-prisoners returning to their communities. The number of state and federal inmates released from prison more than quadrupled between 1980 and 2005, from about 148,000 individuals to over 698,000. And now, as the recession puts the squeeze on government budgets, more and more states are actively seeking to reduce the number of inmates in their jam-packed and costly prisons. For example, California's Department of Corrections and Rehabilitation, responding to a federal court's order to ease overcrowded conditions, is trying to cut back the prison population by more than 15,000, and in Illinois, a new early release program is targeted to trim the prison population by an estimated 1,000 inmates. The Vera Institute of Justice reports that states are using a variety of methods to shrink their inmate populations, such as increasing amounts of "good time" or "earned time" (days off for good behavior or doing something productive), increasing the availability of parole, and loosening the provisions limiting medical and geriatric release (see Christine S. Scott-Hayward, *The Fiscal Crisis in Corrections: Rethinking Policies and Practices*, Vera Institute of Justice, New York, 2009).

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their communities, the issue of their safe and effective reentry has moved to the fore. History has taught us that over two-thirds of those released will be rearrested for a new offense within three years of their release, and over half will return to prison either convicted of a new crime or having violated the conditions of their parole. How can we ensure that history stops repeating itself, and that these grim recidivism statistics improve? The

Criminal Justice Section has stepped up to meet the challenge of that question.

One approach that has attracted wide support from criminal justice practitioners is the evidence-based reentry program. Information on reentry programs from across the nation can now be found in the Section's recently released *Survey on Reentry*, available online at www.abanet.org/crimjust/news/survey_reentry.doc. Correctional facilities, nonprofit organizations, divisions of local government,

public defender offices, and prosecutor offices have launched reentry programs to smooth the transition of inmates back into the community. For example, for the last several years, the Kings County District Attorney's Office in Brooklyn has been running the ComALERT (Community and Law Enforcement Resources Together) reentry program for the formerly incarcerated returning to Brooklyn, providing substance abuse treatment, transitional employment referrals, wraparound services, and individualized counseling to program clients. I started the prosecution-run ComALERT program because I was convinced we could increase public safety through

recidivism reduction. Research has validated that belief. An evaluation conducted by Professor Bruce Western of Harvard University concluded that ComALERT graduates were substantially less likely to be rearrested, reconvicted, or reincarcerated than parolees in a matched control group (*available at* http://www.wjh.harvard.edu/soc/faculty/western/pdfs/report_1009071.pdf).

As reentry programs proliferate, research will prove critical in identifying those aspects of reentry programs that work best. The National Institute of Justice (NIJ) apparently recognizes the importance of this issue. For example, the NIJ is currently funding a multiyear comprehensive evaluation of the Serious and Violent Offender Reentry Initiative, a collaborative federal effort to improve reentry outcomes along criminal justice, employment, education, health, and housing dimensions. The study is being jointly conducted by the Urban Institute and the Research Triangle Institute.

Understanding the mounting interest in such reentry programs and in how to implement them successfully, the Criminal Justice Section sponsored a Reentry Summit on November 5, in Washington, D.C. Criminal justice practitioners who run reentry programs in a variety of practice settings around the country convened to discuss all aspects of their programs, including creation, expansion, trouble-shooting, and measures of success. Those contemplating launching their own reentry programs gained practical know-how, and those with programs already up and running profited greatly from the stimulating exchange of ideas and information.

On November 6, the Section further explored the myriad issues surrounding reentry at this year's Sentencing Advocacy, Practice and Reform Institute. The well-attended conference had a great cross-section of panelists offering their expertise and insights. Among the topics discussed were the Second Chance Act, supervised release, and collateral consequences of convictions.

This last topic is also now the focus of a new grant secured by the Section. The NIJ awarded the Section \$700,000 over the next three years to conduct a comprehensive all-states survey of adult collateral consequences and create an easily accessible and searchable database of the collected information. This ambitious project is a natural follow-up to the reference work produced through a collaboration of the ABA and the Public Defender Services for the District of Colum-

bia, *Internal Exile* (ABA 2009), a compilation of the collateral consequences arising under federal statutes and regulations. Former chair of the Section as well as chair of the ABA Commission on Effective Criminal Sanctions, Professor Stephen Saltzburg of George Washington School of Law, with his deep reserves of both expertise and stamina, will serve as chair of the advisory board for the new project. Once up and running, the new Web-based national inventory of collateral consequences (covering areas such as employment bars, housing restrictions, curtailment of voting rights, limits on education loans and scholarships, and deportation, to name but a few) will inform the public discourse on reentry and help guide policy makers as they consider the appropriate role of sanctions and disqualifiers.

Just as research is already helping us refine reentry programs and make them more effective, research can also help policy makers in identifying those collateral consequences that make the most (and the least) sense from a public safety standpoint. One of the frequent and most serious stumbling blocks to an ex-prisoner's successful reentry into the community is his or her inability to secure employment. The reasons for this are many, but among them is an employer's fear that the ex-prisoner will reoffend while on the job. When developing policy on employment restrictions and the availability of criminal history records, jurisdictions must balance the public interest in, on the one hand, preserving the safety of the workplace, including customers and other employees, and, on the other hand, ensuring that ex-offenders obtain jobs and become contributing members of society. Recent research may provide empirical evidence to inform that discussion.

Professor Alfred Blumstein, a preeminent criminologist and a 2007 winner of the Stockholm Prize in Criminology, and Kiminori Nakamura, a doctoral student at the Heinz College of Carnegie Mellon University, are conducting an NIJ-funded study on the "redemption point"—that point in time from the commission of the crime when a person with a criminal record who remained free of further contact with the criminal justice system is of no greater risk to committing a new crime than any counterpart of the same age. The initial findings of their recidivism risk study are presented in "Redemption in the Presence of Widespread Criminal Background Checks," in *Criminology* 47(2) (May 2009). Their ongoing re-

search has clear implications for employers struggling to make hiring decisions on individuals with criminal backgrounds.

As our nation over the last few decades expanded its use of incarceration as a way to address crime, we perhaps did not adequately foresee some of the social and fiscal consequences of

this prison-based strategy. Going forward, let's keep our eyes open. Research can help us craft intelligent policies with regard to reentry. An estimated 95 percent of all inmates will eventually be released from prison. Let's do all we can to ensure that they develop a stake in society, and don't put a stake through it. ■