

# Reentry Evolution: The Federal Role in Supporting State and Local Efforts

By Warren T. Hansen

*Individuals released from prison and jail and who are on community supervision have complex needs. If those needs are not met, the likelihood of their successful transition to the community is reduced, which can pose a threat to public safety. Despite the fiscal challenges many state governments have faced in recent years, policymakers and community stakeholders are increasingly aware that, in many cases, the cycle of reoffending can be broken if the right tools and approaches are used. With continued federal support and strong state and local leadership, the chance for meaningful and lasting change is within reach.*

In recent years, state governments across the country have been working to reduce the costs of their corrections systems. From 1988 to 2008, state spending on corrections has risen faster than spending on nearly any other state budget item—increasing from about \$12 billion to \$52 billion a year nationally.<sup>1</sup> As many states deal with budget shortfalls, the level of spending on corrections is simply unsustainable.

This tremendous fiscal investment also has failed to result in the types of public safety outcomes expected, as evidenced in part by the fact that many states' recidivism rates remain stubbornly high. Since 2005, more than 650,000 inmates have been released from state prisons each year.<sup>2</sup> Yet, according to a previous U.S. Department of Justice study, nearly 50 percent of individuals are reincarcerated within three years.<sup>3</sup>

In recent years, state policymakers across the country have scrutinized more closely the effectiveness of their public safety investments in hopes of generating better outcomes. Research on criminogenic risk is helping to provide the answers they need to develop more effective and efficient policies and practices at the state and local levels.<sup>4</sup> This research provides some of the best guidance for those working to reduce recidivism. To continue building on that knowledge, however, state policymakers will need to develop and strengthen meaningful collaborations with those working in the field of reentry, including corrections, law enforcement, probation and parole officials, as well as leaders from community-based organizations.

## Reentry Growing Pains

In the past decade, there has been a sea change in how government officials and community leaders are seeking to reduce the number of crimes com-

mitted by people under supervision or released from prisons and jails and to facilitate their success in communities. What once fell to a relatively small number of corrections managers, jail administrators, and scattered service providers has become a major priority for state officials. The result has been an exponential growth in the number of individuals, organizations, and government agencies whose mission includes assisting people who have been incarcerated or who are on probation and parole as they work to become law-abiding, contributing members of families and communities.

Rapid growth in the field has resulted in difficult implementation challenges. Many government officials and community leaders, under pressure to launch and administer a reentry program, have sought help wherever they could find it. A smattering of tools and guides could be found on the Internet, but practitioners and policymakers have been uncertain as to which ones were most credible or relevant. The online information also has been incomplete. As a result, a jurisdiction implementing a program may not have been aware of the keys to reentry program success in another jurisdiction, and therefore could not benefit from the knowledge sprinkled throughout the field.

Evaluations of the outcomes of different types of reentry programs were similarly difficult to aggregate and understand. State and local leaders have found it difficult to compile studies and identify best practices for implementing an initiative. Even when specific policy recommendations were uncovered, how to put them into action in a particular jurisdiction often has been unclear. The field also lacked a unified research agenda to address gaps in this knowledge base. There was no single center that compiled and developed reliable

information, or served as a forum for facilitated exchanges among experts and peers eager to share problems or valuable solutions.

Congress recognized that for states to reduce recidivism rates, they would require more resources than their government agencies and community groups could muster on their own. Better coordination between the states and the federal government also was needed to begin systematically addressing the needs of individuals who have been under correctional control.

### A Strong Federal Commitment

Congress's passage of the Second Chance Act (SCA) in 2008 was a milestone celebrated by states, counties, and the reentry field. The SCA authorizes federal grants to government agencies and nonprofit organizations to provide a wide range of services and vital support to individuals on probation or parole, or returning to the community from prisons, jails, and juvenile facilities. Permissible uses include employment assistance, substance abuse treatment, housing support, family programming, mentoring, victims' aide, and other services that can help reduce recidivism. Between 2009 and 2011, Congress appropriated \$208 million for nearly 400 grant programs in 48 states.

In addition to its grant programs, the SCA also authorized the creation of the National Reentry Resource Center (NRRC), a clearinghouse that provides educational resources, training and technical assistance to states, tribes, territories, local governments, service agencies, nonprofit organizations, and corrections institutions committed to working on prison and jail reentry. Following a competitive process, The Council of State Governments (CSG) Justice Center was selected by the Bureau of Justice Assistance, U.S. Department of Justice, to coordinate the NRRC in October 2009.

The CSG Justice Center, through the NRRC and in partnership with experts from across the nation, serves as the training and technical assistance provider for all grantees around the country. In this capacity, the Justice Center hosts an annual conference to facilitate networking and the exchange of promising approaches and research developments. It also coordinates a website that compiles the latest news, research, and funding opportunities in reentry, and distributes a monthly newsletter to more than 10,000 people nationwide.<sup>5</sup> The Justice Center regularly hosts webinars that provide opportunities for learning about the most effective reentry programs, policies, and practices.

One of the CSG Justice Center's primary objectives for the resource center is to help policymakers and practitioners interested in reentry identify, understand, and integrate evidence-based practices into their efforts. In partnership with the Urban Institute, the CSG Justice Center is developing a database that offers easy access to important research on a wide variety of reentry programs and practices. This online tool will be launched on the NRRC website in 2012. Practitioners and researchers will find information on the reentry strategies that have demonstrated effectiveness and those that require additional research.

### The Summit on Public Safety

After passage of this landmark legislation, congressional leaders built on this momentum by looking for strategic ways to advance the reentry field. After the U.S. House Commerce, Justice and Science Appropriations Subcommittee held a series of hearings on reentry and recidivism-reduction in 2009, the CSG Justice Center and its partner organizations helped convene the National Summit on Justice Reinvestment and Public Safety on January 27, 2010, in Washington, D.C.<sup>6</sup> Supported by members of Congress on both sides of the aisle and with the leadership of Rep. Frank Wolf (R-VA) and Sen. Sheldon Whitehouse (D-RI), the goal of this summit was to highlight data-driven, fiscally responsible policies and practices that increase public safety.

Four themes emerged from the summit, each based on the promising approaches some states were taking to reduce recidivism and make better investments in public safety:<sup>7</sup>

- 1. Focus on Individuals Most Likely to Reoffend:** By using validated risk assessment tools, officials can more accurately determine the likelihood of individuals' committing a new crime and tailor supervision levels and intervention programs to individuals' needs.
- 2. Base Programs on Science and Ensure Quality:** Officials should draw on research when designing programs, including how they identify the desired outcomes for participants and the means for measuring progress.
- 3. Implement Effective Community Supervision Policies and Practices:** Supervision and services should be concentrated at the times when most people commit new crimes or violate their conditions of supervision (soon after release from a correctional facility or at the start of supervision), and in places where these individuals can be

found. In addition, policies and practices must provide parole and probation officers with a broad range of options for swift and certain sanctions that are proportionate to the violation and appropriate for the individual under supervision.

4. **Apply Place-Based Strategies:** Local law enforcement and community corrections officers should explore how to best allocate resources in communities where people released from prison or jail disproportionately return. This will allow these criminal justice agencies to better coordinate with community-based agencies delivering health, employment, and other social services that can help an individual adjust after his or her incarceration and improve public safety outcomes.

### **An All-States Working Forum on Recidivism**

To carry out many of the goals articulated in the public safety report and further expand the field's knowledge, congressional and federal agency partners encouraged the CSG Justice Center to convene a national forum on recidivism-reduction in December 2011. The forum brought together three-person teams from each of the 50 states, with teams composed of the heads of departments of corrections, legislative leaders, judges, and governors' staff, to develop plans for reducing recidivism in their states.

Participants heard from leaders across the country about recent advances and how efforts to reduce recidivism have progressed since the public safety summit, including:

- U.S. Sen. Rob Portman (R-OH), one of the original authors of the Second Chance Act, talked about how Ohio would save \$46 million through the 2015 fiscal year because of legislation passed by the Ohio General Assembly and signed by Gov. John Kasich. Drawing from the principles identified at the January 2010 summit, Ohio's legislation focuses community-based intensive treatment and supervision slots on people that benefit most from monitoring and support.<sup>8</sup>
- U.S. Rep. Chaka Fattah (D-PA), ranking member of a subcommittee of the U.S. House Appropriations Committee, praised the strong partnership between the federal government, state agencies, and community organizations in finding innovative policies to address recidivism, even in difficult fiscal times.

- North Carolina state Rep. W. David Guice spoke about his state's legislation that policymakers expect to result in \$560 million in averted corrections costs and cumulative savings over a six-year period. These savings are expected to allow the state to reinvest more than \$4 million annually to expand community-based behavioral health treatment programs for people on supervision.<sup>9</sup>
- Senior officials from the Bureau of Justice Assistance, the Association of State Correctional Administrators, the Public Welfare Foundation and the Pew Center on the States met with and provided support to the teams.<sup>10</sup>

In addition, the state teams gathered individually to discuss strategies for lowering rates of reoffending among individuals with criminal histories. This unprecedented convening of leaders across systems provided an opportunity for creative problem solving and resource sharing. As a result of the forum, all teams have set measurable goals for reducing recidivism or identified ways to improve upon existing goals; designed plans to achieve those goals by drawing on the strongest research and experiences from the field; and identified benchmarks that state and federal policymakers can use to track progress.

To assist in this effort, Denise O'Donnell, director of the Bureau of Justice Assistance, announced that her agency would make technical assistance available for all 50 states. Coordinated by the National Reentry Resource Center, each state team will work with a grantee coach to develop and enhance their state's recidivism-reduction plan.

The Bureau of Justice Assistance also announced at the forum its release of another round of solicitations for Second Chance Act demonstration sites in March 2012. The grant program will fund selected states up to \$1 million to achieve statewide recidivism-reduction goals, giving these states a chance to test strategies and make more effective investments in public safety.

As the forum highlighted, although many states have been reforming their corrections systems because of dramatic and enduring budget cuts, the field was ready to achieve real change if given the right tools and supports. A strong sense of accountability and commitment to strategies that are research-based was already driving the field forward. The launch of the National Reentry Resource Center, coupled with significant investments by the federal government and major phil-

anthropic entities to complement state and local efforts, has created a structure for systemic change. Seeing an opportunity to function more cost-effectively while increasing public safety, dozens of states have taken advantage of resources for reducing recidivism. As more states experience success, the knowledge base for effective policy will grow and the impact will surely spread across the country.

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### Notes

<sup>1</sup>National Association of State Budget Officers, *Fiscal Year 1988 State Expenditure Report*, Washington, D.C.: National Association of State Budget Officers, 1989, 71, <http://www.nasbo.org/Publications/StateExpenditureReport/StateExpenditureReportArchives/tabid/107/Default.aspx>; National Association of State Budget Officers, *Fiscal Year 2008 State Expenditure Report*, Washington, D.C.: National Association of State Budget Officers, 2009, 54, <http://www.nasbo.org/Publications/StateExpenditureReport/tabid/79/Default.aspx>.

<sup>2</sup>Guerino, Paul, Paige M. Harrison, and William J. Sabol. *Prisoners in 2010*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, December 2011, 5.

<sup>3</sup>Patrick A. Langan and David J. Levin. *Recidivism of Prisoners Released in 1994, NCJ 193427*. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 2002, 1. A more recent study conducted by the Pew Center on the States' Public Safety Performance Project confirms that many states continue to struggle with high recidivism rates. Pew Center on the States, *State of Recidivism: The Revolving Door of America's Prisons*. Washington, D.C.: The Pew Charitable Trusts, April 2011.

<sup>4</sup>In particular, the "Risk-Need-Responsivity" (RNR) model examines how supervision, services, and other interventions can be matched to individuals' objectively assessed risk factors for committing a future crime in order to decrease individuals' likelihood of reoffending. See Andrews, Donald A., James Bonta, and Robert D. Hoge, "Classification for Effective Rehabilitation: Rediscovering Psychology," *Criminal Justice and Behavior* 17, no. 1 (1990): 19–52.

<sup>5</sup>Information on subscribing to the newsletter and feature articles can be accessed at [www.nationalreentryresourcecenter.org](http://www.nationalreentryresourcecenter.org).

<sup>6</sup>The summit was conducted in partnership with The Pew Center on the States, with additional support from the Bureau of Justice Assistance, U.S. Department of Justice; and the Public Welfare Foundation. For other partners and supporters of the justice reinvestment efforts in many states, see <http://justicereinvestment.org/about/funders>.

<sup>7</sup>Clement, Marshall, Matthew Schwarzfeld, and Michael Thompson. *The National Summit on Justice Reinvestment and Public Safety: Addressing Recidivism, Crime, and Corrections Spending*. New York: The Council of State Governments Justice Center, January 2011, 6–7, <http://justicereinvestment.org/summit/report>.

<sup>8</sup>See a summary of this effort at <http://justicereinvestment.org/states/ohio>.

<sup>9</sup>For more information, visit [http://justicereinvestment.org/states/north\\_carolina](http://justicereinvestment.org/states/north_carolina).

<sup>10</sup>For videos of each panel discussion and the conference agenda, with a description of the presentations and a list of expert presenters and moderators, visit <http://www.nationalreentryresourcecenter.org/forum-on-reentry-and-recidivism>.

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### About the Author

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The federal role in elections is limited yet complicated. The Constitution and federalism limit the federal government's roles to specific tasks, many of which support states, territories, and localities. Within its purview, however, the federal government's duties can involve multiple statutes, agencies, and areas of public policy. Table 1 below provides a brief overview of the major functions performed by the federal government and by the states.<sup>13</sup> The Appendix at the end of this report provides additional detail and cites relevant federal statutes. In general, state and local government roles in elections include activities such as:

- managing and implementing all aspects of election administration and voting;
- choosing voting methods and purchasing equipment

There are benefits to leaving environmental regulation both to the federal government to the states. Proponents of federal environmental policy argue that it is necessary to set equal standards for all states in order to level the playing field. Furthermore, it is much easier for large corporations to abide by one universal policy rather than having to deal with a variety of standards for their locations in different states. On the other hand, state regulations are thought to be more adaptable and