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FEDERAL OFFENDER REENTRY AND PROTECTING CHILDREN FROM CRIMINAL RECIDIVISTS

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

OCTOBER 7, 2004

Serial No. 116

Printed for the use of the Committee on the Judiciary

Available via the World Wide Web: http://www.house.gov/judiciary

U.S. GOVERNMENT PRINTING OFFICE

96–288 PDF WASHINGTON : 2004

For sale by the Superintendent of Documents, U.S. Government Printing Office
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FEDERAL OFFENDER REENTRY AND PROTECTING CHILDREN FROM CRIMINAL RECIDIVISTS

THURSDAY, OCTOBER 7, 2004

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME, TERRORISM,
AND HOMELAND SECURITY
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to call, at 9:05 a.m., in Room 2141, Rayburn House Office Building, Hon. Howard Coble (Chair of the Subcommittee) presiding.

Mr. COBLE. Good morning, ladies and gentlemen. The Subcommittee will come to order. Mr. Portman, the gentleman from Ohio, is en route I am told.

As an aside before we get started, the gentlelady from Florida, Ms. Harris, and Mr. Portman have tenaciously badgered me for a hearing for the past several weeks. When I say "badger" I don't mean that in the evil sense; rather, in the persistent sense. And even though I think nothing's going to be done regarding this issue legislatively this session, I thought, Mr. Scott, this hearing might at least direct attention to it and maybe we'll get a jump start when we come back next year.

But today the Subcommittee on Crime, Terrorism, and Homeland Security is conducting an oversight hearing to examine current prisoner reentry programs and assess what if any reforms should be made to more effectively address the high recidivism rate of prisoners leaving Federal and State and local jails and prisons and their impact on society as a whole.

I am pleased to welcome two of our colleagues—well, one of our colleagues, the other one's on the way—to the panel who have introduced legislation in this Congress that would coordinate offender reentry programs and clarify and strengthen notification and child protection laws.

I also welcome our other witnesses representing State government officials and a nonprofit organization directly involved in the implementation of prisoner reentry programs.

Data from the Department of Justice suggests that approximately 95 percent of State prisoners will be released from prison at some point, at a rate of 600,000 people per year, perhaps as many as 750,000 if we include juvenile offenders released from secure juvenile detention facilities, and that does not include those released from short-term detention in local jails. Unfortunately, it

is expected that two-thirds of these offenders released from prison will be subsequently arrested again for a felony or serious misdemeanor within 3 years.

Groups working with prisoner reentering society identify specific obstacles from the transition back to normal life from released criminal offenders. These problems include but are not limited to locating adequate housing and job opportunities, reuniting with their families, assessing appropriate educational programs, and treating substance abuse. It is estimated that 70 to 80 percent of offenders reentering the community have histories of drug abuse or alcohol abuse.

Furthermore, an increasing number of offenders have mental health problems, and those of you who closely follow the actions of our Subcommittee and full Committee may be aware that the bill addressing mentally ill offenders passed the House Judiciary Committee last week and I believe passed the full House yesterday.

My interest in the issue of prisoner recidivism and reentry is twofold: First, I look forward to hearing from our witnesses regarding specific problems facing prisoners reentering society, the role of the Federal Government in prisoner reentry programs and what part it should play in reforming the current programs to make them more effective. Second, I would like to hear about the impact recidivism has on Federal, State, and local crime rates and its cost to State and local communities.

During my tenure in Congress, I have consistently supported policies that are tough on crime. I believe tough criminal penalties deter crime, appropriately punish offenders, and create a sober society for all Americans. I also believe, however, that we should craft Federal policies that enable States and localities to assist individuals leaving the prison system and reentering society instead of inadvertently tying the hands of these groups and people who want to help in that transition and those ex-offenders who want to be successful law-abiding citizens in society.

I also note that the Government does not have all the answers and we need to seriously consider the success rate of faith-based organizations in this area that often far exceed the success rates of Government-run programs.

All of us here, Republicans, Democrats alike, have a united goal of decreasing crime and encouraging growth and prosperity. I hope this hearing gives us specific examples of how this goal may be achieved and what may be done to control the growing cost of crime on society.

And prior to recognizing the distinguished gentleman from Virginia, I want to say that yesterday I had the good fortune of attending a breakfast along with Representative Danny Davis from Illinois, Representative Mark Green from Wisconsin, Coach Osborne from Nebraska was there, a very worthwhile breakfast, I think Mr. Davis you'll agree, and good to have you with us today.

I am pleased to recognize the distinguished gentleman from Virginia, the Ranking Member, Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman. And I would like to recognize the gentleman from Illinois, Mr. Davis, who has been an outstanding leader in reentry organizations. Disappointed to see him on your side of the aisle, but——

Mr. COBLE. If the gentleman would yield, we would be glad to keep him on our side of the aisle.

Mr. SCOTT. But he's welcome wherever he's sitting.

Thank you, Mr. Chairman. I want to thank you for scheduling this hearing for us examining the issue of prison reentry, given the growing number of prisoners returning to our communities every day, ill prepared to succeed in earning a living and leading a law-abiding life.

While our national crime rates have fallen significantly over the past decade, we've seen a continuing and unprecedented explosion in our prison and jail populations. We now have on a daily basis over 2 million people locked up in our Nation's jails and prisons, a fivefold increase of just 20 years ago.

Prison population in the Federal prisons has increased more than sevenfold in the past 20 years. In 1984 the daily lock-up count for prisons and jails was approximately 400,000 with about 25,000 prisoners in Federal prisons. Today there are more than 175,000 Federal prisoners, and the population is growing.

Both the Sentencing Project and the Federal Bureau of Prisons—according to the Sentencing Project and the Federal Bureau of Prisons, the primary reason for this tremendous growth in jail and prison population has been the longer sentences resulting from determinant sentencing schemes and mandatory minimum sentences. Over 50 percent of the incarcerated inmates are in prison on nonviolent crimes, with the greatest percentage being those for drug violations.

And the United States is the world's leading incarcerator by far, with an incarceration rate of 702 inmates per 100,000 population. The only close competitor is Russia with 632 per 100,000. And for comparative purposes, the United States now locks up its citizens at a rate 5 to 8 times that of the industrialized nations we're most familiar with. For example, 139 per 100,000 in England and Wales, 116 in Canada, 91 per 100,000 in Germany, 85 per 100,000 in France.

So as we consider our crime policy, we've got to consider what cost-effective methods that we can use to reduce crime. If we want to use additional incarceration, we've got to recognize the cost. For example, if we want to increase sentences by 10 percent, that would be an additional 70 inmates per 100,000 population. In a city like Richmond Virginia, about 200,000 population, that would be a cost of about $4 million a year.

Now, a 10 percent increase in sentencing would be like going from 5 years to 5½ years. We know just lengthening the sentence does nothing to reduce recidivism and we know there's no deterrent value in trying to scare somebody and saying we're going to crack down on crime. Instead of 5 years you might get 5½ years. You can just see people bolting over to McDonald's to see if they're still hiring.

Longer sentences do not reduce recidivism. But when you look at a city of Richmond, a $4 million cost, you can look at what you could do with it. The entire Statewide reentry program, Virginia Cares, is funded at just $2 million. So just for what you'd have to do in Richmond, Virginia for nothing, you could fund that entire

program, to say nothing about summer jobs, college scholarships, other reentry programs, education and so forth.

So as we—as the numbers of inmates increase, also the number of inmates returning to the community increase. During the last 20 years, the annual number of prisoners returning to our communities has increased severalfold. Currently about 650,000 prisoners leave Federal and State prisons every year, and despite all our tough-on-crime rhetoric, 95 percent of the inmates will be released at some point. The question is how they leave prison and whether they will be better prepared to lead law-abiding lives or whether they will be in a worse position.

Having a Federal record and a prison stay does not in and of itself help a person get a job or social development. And so with no limited—with no or just limited education, limited resources, few job skills, you've lost your family and community support, it shouldn't surprise anybody that two-thirds of released prisoners are rearrested for new crimes within 3 years of their arrest—excuse me—3 years of their release. So as a society we may breathe a sigh of relief when the long sentence is issued.

But that does not end our responsibilities. With the number of prisoner releases and reincarcerations growing exponentially, we can no longer afford, financially or morally, to allow ourselves the luxury of just tough-on-crime rhetoric, tough-on-crime policies, with no attention to what happens next. To continue to do so is unfair to unsuspecting crime victims, including our children. It's short-sighted, irresponsible, and a waste of the taxpayers' money.

And so, Mr. Chairman, I look forward to the testimony of our witnesses as we look to see what we can do to seriously address the growing societal problem.

And I want to commend our colleagues, the full Committee Ranking Member Mr. Conyers and—who is a sponsor of one of the reentry bills—Representatives Portman and Danny Davis for their legislation, and the gentlelady from Florida for her support. I am a cosponsor on several of those bills and look forward to seeing what we can do in a cost-effective manner to actually reduce crime. Thank you, Mr. Chairman.

Mr. COBLE. I thank the gentleman.

It's the practice of the Subcommittee to swear in our witnesses, so if you all would please stand and raise your right hand.

[Witnesses sworn.]

Mr. COBLE. Let the record show that each of the witnesses answered in the affirmative. You may be seated.

We are pleased to recognize the gentleman from Wisconsin and the gentleman from Ohio with us today as well.

Mr. CHABOT. Mr. Chairman, I'd ask unanimous consent to make a very brief opening statement.

Mr. COBLE. Well, I usually reserve that to Mr. Scott and me, but since this is the last day, we'll be generous.

Mr. CHABOT. Thank you. I'll be very very brief.

I just want to thank Congressman Portman and Congresswoman Harris for being here today and their leadership on this issue. I know Congressman Portman has been a leader both in our community in Cincinnati. We share adjoining districts and share the city of Cincinnati. He's been a leader in the area of community-based

drug proposals to fight against the scourge of drugs in our community.

And I want to also thank Congressman Conyers, as well as Congressman Scott, for their leadership in this area as well.

And as we all know, millions of offenders are released back into communities each year, and more often than not they're not getting the support that they need, and this results in increased recidivism and it jeopardizes the safety of our communities. And ultimately the cost, because of recidivism, is very high.

And I'm obviously one of those who believes that we need to be tough on crime. And I think the Members that I have mentioned agree with that philosophy. We can be tough on crime, but we can also make sure that the transition back into our communities is as smooth as possible, and that will protect the safety of our communities.

So I want to thank these particular Members that I have mentioned for their leadership in this area. And I want to also emphasize the success and the possibilities that faith-based programs have. And I'm particularly pleased that Congressmen Portman and Harris are interested in that area. And I yield back the balance of my time.

Mr. COBLE. Mr. Scott, he praised you, Mr. Scott. But he didn't praise me. But I guess I'll overlook that.

Mr. CHABOT. We love you too, Howard.

Mr. COBLE. All right. Mr. Green, good to have you with us as well.

Before I start I too want to commend Mr. Portman and Mr. Davis. They have been the lead players, at least on their bill, and this is an issue that does indeed need serious attention. We have four distinguished witnesses today.

I first want to recognize Representative Rob Portman. Mr. Portman has been representing the Ohio Second District in southern Ohio for the past 10 years. He's a Member of the House Ways and Means Committee and the Budget Committee. Since 2002, Mr. Portman has served as chairman of the Republican leadership, acting as a liaison between leadership and the Bush White House. Prior to serving in Congress, Mr. Portman was a partner in a Cincinnati law firm and also served in the first Bush White House from 1989 to 1991. Mr. Portman keeps his home in the Cincinnati area where he lives with his wife Jane and their three children.

Our second witness today is Representative Katherine Harris. Ms. Harris was sworn in on January 2, 2003 as the U.S. Representative from the 13th District in Florida. She has since been appointed to serve on the House Committee on Financial Services, Government Reform, and International Relations. Prior to running for Congress Ms. Harris served as Florida State senator and as Florida's 23rd Secretary of State. She earned her master's degree from Harvard University and her bachelor's degree from Agnes Scott college.

Next we have Mr. Ashbel T. Wall, who is the Director of the Rhode Island Department of Corrections. Mr. Wall began his career in corrections as a probation officer in 1976. He subsequently served as a prosecutor in the Manhattan District Attorney's Office and then joined Vera Institute of Justice. In 1987 Mr. Wall became

Assistant Director in Rhode Island, prior to becoming Director in 2000. Mr. Wall earned his bachelor's degree from Yale University and his J.D. from the Yale School of Law.

Our final witness today is Ms. Malika Saada Saar. Ms. Saada Saar is the founder and Executive Director of the Rebecca Project for Human Rights. She was also the founder and former Director of Family Rights and Dignity, a civil rights project for low-income and homeless families in the Bay Area of California. Ms. Saada Saar received her bachelor's degree from Brown University, her master's in education from Stanford University, and her J.D. From Georgetown University.

It's good to have each of you with us. We have your written statements which have been examined, and I ask unanimous consent to submit your statements in their entirety in the record.

Now, folks, we're easy dogs to hunt with around here, but we like to impose the 5-minute rule. Now, when you all see that red light illuminate in your face on the panel before you, that tells you that the ice is becoming ever so thin. So it will be time to wrap up, if you will.

Mr. COBLE. Mr. Portman, you may kick it off.

TESTIMONY OF THE HONORABLE ROB PORTMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Mr. PORTMAN. Mr. Chairman, thank you very much, and it's an honor to be here before your Subcommittee. Mr. Scott and Mr. Chabot, Mr. Coble, I appreciate not only your having us here today but your cosponsorship for the legislation I'll talk about.

I also want to recognize my colleague and cosponsor, original cosponsor Danny Davis, who is on the right side of the stage, stage right. And I also, Mr. Chairman, if it's appropriate, I'd like to ask unanimous consent that Mr. Davis' statement be entered into the record at this time.

Mr. COBLE. Without objection, it'll be done.

Mr. Portman. Mr. Chairman, as you all know, and your statement and Mr. Scott's statement made very clear, the numbers tell a powerful story and make a clear case for Federal and State innovation on this issue. Over 2 million people are now incarcerated in State or Federal prisons. Ninety-seven percent will eventually be released. This means about 650,000 people a year are now being released from incarceration into our communities nationwide. These numbers also make it clear that reentry affects each and every one of us.

Reentry success or failure has implications, of course, for public safety, as Mr. Chabot just talked about, the welfare of our children, family reunification, fiscal issues and community health. By doing a better job on offender reentry, we can prevent crime. We can also help restore communities and we can save taxpayers money.

Unfortunately, based on the recent data from the Department of Justice, we now know that two-thirds of those released from prison will be rearrested within 3 years. And about 52 percent of those, by the way, go back into the prison system. The scale of this problem is huge and it makes a strong case for congressional action, as Mr. Scott said.

Over the past year I've been working on a bill, as the Chairman said, with this Committee as well as many of our other colleagues, including Mr. Davis, to help our States and communities better address returning offenders.

H.R. 4676, the legislation that I'm going to be talking about today, called the "Second Chance Act of 2004" is a product of actually over a year's worth of work. It's a bipartisan effort. It doesn't do everything, but it takes a very big first step in better coordinating Federal agencies and policies on prisoner reentry.

It also increases support to States and community organizations to address the growing problems and the growing population of ex-offenders returning to communities.

The basic focus, Mr. Chairman, of the bill is jobs, housing, substance abuse, and mental health and families. We make a conscious decision, a choice, in order to better target our resources on those issues.

Again, I want to express my sincere thanks to you, Mr. Chairman, and Mr. Scott and Mr. Chabot and others, for helping us put this legislation together and for your critical cosponsorship of the bill. The only way it's going to get through this process is if we work together.

First and foremost, offender reentry is about preventing crime and keeping our communities safe. High rates of recidivism do translate into thousands of new victims each year. The social and economic cost of a 67 percent recidivism rate, which is the latest data we've been able to get—that's the national recividism rate—is astounding. The Second Chance Act would make funds available to conduct studies to determine who is returning to prison or jail and which is of these prisoners presents the greatest risk to community safety.

One of the things I've found in this area is we need better data, and that's one thing this legislation will provide us. It'll also help in the development of procedures to assist relevant authorities in determining when release is appropriate and the use of data to inform the release decision. This would include the use of proven assessment tools, what we consider best practices around the country, to assess the risk factors of returning inmates and use technology to advance post-release supervision.

We need to be both tough and smart on crime; tough in keeping dangerous felons from returning and committing new crimes, but also smart in making sure that those who do come home are given the basic chance to start a new life and turn away from crime.

Mr. Chabot said the main reason I got involved in this issue really is the link to substance abuse. It's work I've done over the years in drug prevention and treatment that really got me involved in it. The numbers here are staggering, too; 57 percent of Federal and 70 percent of State inmates use drugs regularly before prison. We've got some Bureau of Justice statistics that are unbelievable. The estimate of involvement with drugs or alcohol around the time of the offense is as high as 84 percent. With better treatment services for ex-offenders, clearly recidivism can be improved as well, and this is a critical part of our legislation.

The burden on our citizens and taxpayers is also a serious concern. The average cost now to house a Federal inmate, as you

know, is over $25,000 a year. State is a little bit less, about $21,000 a year. These figures do not include, of course, the cost of arrest and prosecution nor do they take into account the cost to victims. On the other hand, a modest expenditure to help transition offenders back into the community can save taxpayers thousands of dollars.

I can't tell you much about this data because there isn't very good data out there. And maybe that's one thing we want to do with legislation, provide better data. But there's a prominent 2001 study that was done by the Washington State Institute for Public Policy that I'll just quote from. And it says the best reentry programs can expect to deliver 20 to 30 percent reductions in recidivism or crime rates, and if programs can deliver reasonable program costs, even modest reductions in future criminality can have an attractive economic bottom line.

I've got some more data on that from another study; happy to get into it in the Q&A. The bottom line is we all know just from common sense this can save a lot of money to the taxpayers, as well as helping our communities to be safer and help victims of crime.

Beyond fiscal issues, of course, one of the significant costs of prisoner reentry is the impact on kids, children, and the weakened family ties among family members and destabilized communities. The number of kids with a parent in a Federal or State facility has gone up dramatically. As you know, it's gone up more than 100 percent over the past decade. It's now about 2 million kids who have parents who are incarcerated. Now, this is a huge concern. These children are at risk for drug abuse and delinquency and they need our attention.

The bill does make it easier for grandparents to receive support and services while caring for their children as a result of their parents being incarcerated. It also provides State and local governments with resources for family-based drug treatment to treat parents and their families as a complete unit.

Our communities and States have begun to work on reentry in innovative ways. In Ohio we've got some innovations, I'm sure in your States as well, and local communities. We've begun to establish improved systems for reintegrating improved prisoners, former prisoners, in our communities. Under such systems, correction officials begin to plan for a prisoner's release while the prisoner's still incarcerated, and then they provide a transition in order to ensure that those services are available that are needed.

Faith leaders and parishioners have played a huge role in this. They have a long history, of course, of helping ex-offenders transform their lives through prison ministries and outreach in communities, and churches. Faith-based organizations have pioneered reentry services to prisoners and their families.

Successful reentry protects those who might otherwise be crime victims. It also improves the likelihood that individuals released from prison can pay their fines, their fees or their restitution, or their family support.

By addressing the most basic needs of ex-offenders coming home, Mr. Chairman, we can reduce their chances of reoffending. As you know, President Bush has addressed this in his own Second

Chance Initiative. This legislation complements what President Bush has talked about in his State of the Union.

Again I want to thank you for inviting me here today to testify before the Committee. I look forward to answering any questions or trying to answer any questions you may have. Thank you, Mr. Chairman.

Mr. COBLE. I thank the gentleman.

[The prepared statement of Mr. Portman follows:]

PREPARED STATEMENT OF THE HONORABLE ROB PORTMAN

Mr. Chairman, Ranking Member Scott, and Members of the Subcommittee, I am honored to testify before you today regarding offender reentry and child protection.

As you know, the numbers make a clear case for federal and state innovation on this issue. Over two million people are incarcerated in federal or state prisons, and over 97 percent of these prisoners will eventually be released and will return to our communities. And nearly 650,000 people are released from incarceration to communities nationwide each year. These numbers also make it clear that reentry affects each one of us. Reentry success or failure has implications for public safety, the welfare of children, family unification, growing fiscal issues, and community health. By doing a better job on offender reentry, we can prevent crime, prevent victimization, help restore communities and save the taxpayers money.

Unfortunately, according to recent data from the Department of Justice, *two-thirds* of those released from prison will be rearrested within three years. The scale of this problem makes a strong case for Congressional action.

I have been working on a bill with many colleagues to help our states and communities better address returning offenders. H.R. 4676, the Second Chance Act of 2004, is a bipartisan approach to this problem that better coordinates federal agencies and policies on prisoner reentry. The bill increases the support to states and community organizations to address the growing population of ex-offenders returning to communities. The main areas of focus within the bill are jobs, housing, substance abuse and mental health treatment, and strengthening families. I want to express my sincere thanks to Chairman Coble and Ranking Member Scott for helping to put this legislation together and cosponsoring the bill.

First and foremost, offender reentry is about preventing crime and keeping our communities safe. High rates of recidivism translate into thousands of new victims each year. The social and economic costs of a *67 percent recidivism rate* nationally are astounding. The Second Chance Act would make funds available to conduct studies to determine who is returning to prison or jail and which of those prisoners represent the greatest risk to community safety. The bill would also help in the development of procedures to assist relevant authorities in determining when release is appropriate and the use of data to inform the release decision. This would include the use of proven assessment tools to assess the risk factors of returning inmates and the use of technology to advance post-release supervision.

We need to be both tough and smart on crime. Tough in keeping dangerous felons from returning and committing new crimes, but also smart in making sure that those who are coming home are given the most basic chance to start a new life and turn away from crime.

One of the reasons I became involved in this issue is the connection between drug addiction and our prison population. The link between substance abuse and the ex-offender population is important to address. 57 percent of federal and 70 percent of state inmates used drugs regularly before prison, with some estimates of involvement with drugs/alcohol around the time of the offense as high as 84% (BJS Trends in State Parole, 1990–2000). Without continued treatment services for ex-offenders, recidivism is likely.

The burden on our citizens and taxpayers is also a serious concern. The average cost to house a federal inmate is over $25,000 a year. The average cost on the state level in 2000 was only slightly less—$21,170 yearly. These figures do not include the cost of arrest and prosecution, nor do they take into account the cost to victims. On the other hand, a modest expenditure to help transition offenders back into the community can save taxpayers thousands of dollars. A prominent 2001 study found that, "the best [reentry] programs can be expected to deliver 20% to 30% reductions in recidivism or crime rates" and that "programs that can deliver—at a reasonable program cost—even modest reductions in future criminality can have an attractive economic bottom line."

Beyond fiscal issues, one of the most significant costs of prisoner reentry is the impact on children, the weakened ties among family members and destabilized communities. The number of children with a parent in a federal or state correctional facility has increased over the last decade by more than 100 percent to approximately *2,000,000 children*. This is one of my biggest concerns. These children are at risk for drug abuse and delinquency and need our attention. The bill would make it easier for grandparents to receive support and services while caring for their grandchildren as a result of parental incarceration. It would also provide state and local governments with resources for family-based drug treatment to treat parents and their children as a complete family unit.

Our communities and states have begun to work on reentry in innovative ways. In recent years, a number of state and local governments have begun to establish improved systems for reintegrating former prisoners. Under such systems, corrections officials begin to plan for a prisoner's release while the prisoner is incarcerated and provide a transition to needed services in the community. Faith leaders and parishioners have a long history helping ex-offenders transform their lives. Through prison ministries and outreach in communities, churches and faith-based organizations have pioneered re-entry services to prisoners and their families. Successful reentry protects those who might otherwise be crime victims. It also improves the likelihood that individuals released from prison or juvenile detention facilities can pay fines, fees, restitution, and family support.

By addressing the most basic needs of ex-offenders coming home, we can reduce their chances of re-offending and improve their success as productive, contributing citizens.

President Bush made a case for the need to address our reentering population in his state of the union address. He put this issue in perspective, "America is the land of the second chance, and when the gates of the prison open, the path ahead should lead to a better life." During his address, he announced his Re-Entry Initiative, with a strong focus on job training, transitional housing, and prisoner mentoring from faith-based groups. This is an important aspect of our federal response to reentry. Our bill would authorize a small component of this plan and complements the President's larger reentry initiative. Together they mean a comprehensive plan to drastically change how we serve these men and women and keep our communities safe.

I thank you for inviting me here today to testify before the Committee. It will be my pleasure to answer any questions you may have at the appropriate time.

Mr. COBLE. The gentlelady from Florida.

TESTIMONY OF THE HONORABLE KATHERINE HARRIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Ms. HARRIS. Thank you, Mr. Chairman, Chairman Coble and Ranking Member Scott, thank you for the opportunity to testify this morning regarding violent recidivism and the grave threat they pose to our children.

On February 6, 2004, an 11-year-old girl was kidnapped, brutally raped, and murdered in my home town of Sarasota, Florida. The entire Nation mourned as news reports replayed the tape of Carlie Brucie's abduction, which a car wash surveillance camera had recorded. This tragedy delivered a crushing blow to our community. Our hearts broke over the loss of this precious child while we grappled with how to help her family and friends cope with their unfathomable grief. We also did so knowing that no volume of condolences can ever repair the chasm that has opened in their lives.

Yet we can, and we must, insist upon swift and severe justice for her killer. Moreover we can, and we must, do more to honor Carlie's memory. We must act now to protect our children from criminal repeat offenders who would use society's second chances to commit more acts of violence.

Following the arrest of Joseph Smith, Carlie's accused murderer, we learned that this man should have been behind bars. He possessed a long history of criminal activity, including a conviction for aggravated battery. He'd been arrested 13 times and placed on pro-

bation three times since 1993. In fact, he was in police custody on an unrelated charge when he was linked to this crime.

These facts point to a deeply troubling trend in our judicial system. Career criminals continue to demonstrate their menace to society, yet they remain free to roam our neighborhoods and free to prey upon our children.

The continued exercise of judicial discretion remains preferable in many cases. Nevertheless, we can't afford to continue gambling the safety of our children on the forlorn hope that clearly dangerous individuals have reformed their behavior.

Thus I felt a moral duty to review the laws that govern how the Federal justice system releases convicted criminals back into society. What I discovered was both shocking and dismaying. Currently, sections 3565 and 3583 of title 18 of the United States Code mandate probation and supervised release as the only means by which convicted criminals can be freed prior to completing his or her sentence. These laws specify grounds, four grounds, for mandatory revocation of probation or supervised release. Three of the four deal with drug use. The fourth arises from firearm possession.

Amazingly, a Federal felon may commit violent crimes or sexual crimes against children and receive additional probation. I believe that Carlie Brucia's memory implores us to correct this travesty before it's too late for another child. Thus, May 20, I introduced H.R. 4150, entitled "Carlie's Law," which expands the grounds for mandatory revocation of probation or supervised release for felons convicted in a Federal court.

This legislation requires the automatic revocation of probation or supervised release when a Federal felon commits a felony crime of violence or crime of violence against any child under the age of 16.

It also imposes the mandatory revocation of probation or supervised release when a Federal felon commits an offense involving or facilitating sexual contact with a child of the age of 16.

Admittedly, these provisions would not have prompted the reincarceration of Carlie Brucia's accused murderer, but that fact should not prevent us from reviewing our entire system of probation and supervised release so that we can identify the clearest risk to the safety of our children.

A recent study in 2002 by the Bureau of Justice Statistics measured the recidivism rate over 3 years for two-thirds of prisoners released in the United States in 1994. It noted that the commission of new crimes does not always result in new prison sentences. Quote, "not all of the reconvicted prisoners were sentenced to another prison term for their crime. Some were sentenced to confinement in their local jail, some were sentenced to neither prison nor jail but to probation which allowed them to remain free in their communities but under the supervision of a probation officer," end quote.

For the more than 270,000 convicts that this study covered, the average length of sentence was 5 years and the average time served constituted 20 months, or 35 percent. Seventy percent of these individuals had five or more arrests on their criminal record; 50 percent had at least two convictions. While 22.5 percent were then serving a sentence for a violent crime such as murder or sexual assault, almost 54 percent had a prior record of violence.

Of course, reconviction should not always mean reincarceration, particularly if the new crime is comparatively minor. When career criminals commit acts of violence or sexual abuse against a child, however, they do not belong on our streets and in our communities. Our children simply cannot afford that risk.

So, today, let us recommit ourselves to achieving an America where we no longer dedicate laws to stolen young lives, but instead name the laws as a tribute to their promise. Thank you.

Mr. COBLE. I thank the gentlelady from Florida.

[The prepared statement of Ms. Harris follows:]

PREPARED STATEMENT OF THE HONORABLE KATHERINE HARRIS

I wish to begin by thanking Chairman Coble and Ranking Member Scott for the opportunity to testify before this Subcommittee today regarding violent recidivists and the grave threat that they pose to our children.

On February 6, 2004, an 11-year-old girl was kidnapped, brutally raped and murdered in my hometown of Sarasota, Florida. The entire nation mourned as news reports replayed the tape of Carlie Brucia's abduction, which a car wash surveillance camera had recorded.

This tragedy delivered a crushing blow to our community. Our hearts broke over the loss of a precious child, while we grappled with how to help her family and friends cope with their unfathomable grief. We did so knowing that no volume of condolences can ever repair the chasm that has opened in their lives.

Yet, we can—and we must—insist upon swift and severe justice for her killer. Moreover, we can—and we must—do more to honor Carlie's memory. We must act now to protect our children from the criminal repeat offenders who use society's second chances to commit more acts of violence.

Following the arrest of Joseph Smith, Carlie's accused murderer, we learned that this man should have been behind bars. He possessed a long history of criminal activity, including a conviction for aggravated battery. He had been arrested 13 times and placed on probation three times since 1993. In fact, he was in police custody on an unrelated charge when he was linked to this crime.

These facts point to a deeply troubling trend in our judicial system. Career criminals continue to demonstrate their menace to society, yet they remain free to roam our neighborhoods and free to prey upon our children.

The continued exercise of judicial discretion remains preferable in many cases. Nevertheless, we cannot afford to continue gambling the safety of our children on the forlorn hope that clearly dangerous individuals have reformed their behavior.

Thus, I felt a moral duty to review the laws that govern how the federal justice system releases convicted criminals back into society.

What I discovered was both shocking and dismaying. Currently, Sections 3565 and 3583 of Title 18 of the United States Code mandate probation and supervised release as the only means by which a convicted criminal can be freed prior to completing his or her sentence.

These laws specify just four grounds for the mandatory revocation of probation or supervised release. Three out of the four deal with drug use and possession. The fourth arises from firearm possession. Amazingly, a federal felon may commit violent crimes or sexual crimes against children and receive additional probation. I believe that Carlie Brucia's memory implores us to correct this travesty before it is too late for another child.

Thus, last May 20, I introduced H.R. 4150, entitled Carlie's Law, which expands the grounds for the mandatory revocation of probation or supervised release for felons convicted in federal court. This legislation requires the automatic revocation of probation or supervised release when a federal felon commits a felony crime of violence or any crime of violence against a child under the age of 16. It also imposes the mandatory revocation of probation or supervised release when a federal felon commits an offense involving or facilitating sexual contact with a child under the age of 16.

Admittedly, these provisions would not have prompted the re-incarceration of Carlie Brucia's accused murderer. That fact should not prevent us from reviewing our entire system of probation and supervised release, so that we can identify the clearest risks to the safety of our children.

A recent study issued in 2002 by the Bureau of Justice Statistics measured the recidivism rate over three years for two-thirds of the prisoners released in the

United States in 1994. It noted that the commission of new crimes does not always result in new prison sentences:

"Not all of the reconvicted prisoners were sentenced to another prison term for their new crime. Some were sentenced to confinement in a local jail. Some were sentenced to neither prison nor jail but to probation, which allowed them to remain free in their communities but under the supervision of a probation officer."

For the more than 270,000 convicts that this study covered, the average length of sentence was 5 years and the average time served constituted 20 months, or 35 percent. 70 percent of these individuals had five or more arrests on their criminal record; 50 percent had at least two convictions. While 22.5 percent were then serving a sentence for a violent crime such as murder or sexual assault, almost 54 percent had a prior record of violence.

Of course, re-conviction should not always mean re-incarceration, particularly if the new crime is comparatively minor. When career criminals commit acts of violence or sexually abuse a child, however, they do not belong on our streets and in our communities. Our children simply cannot afford the risk.

So today, let us recommit ourselves to achieving an America where we no longer dedicate laws to stolen young lives but instead name laws as tribute to their promise.

Thank you.

Mr. COBLE. The gentleman, Mr. Wall, good to have you with us.

TESTIMONY OF ASHBEL T. WALL, II, DIRECTOR, RHODE ISLAND DEPARTMENT OF CORRECTIONS

Mr. WALL. Thank you, Chairman Coble and Ranking Member Scott, for inviting me to testify about prisoner reentry legislation that is pending before the Committee.

My name is Ashbel T. Wall, the second, and I am Director of Corrections for the State of Rhode Island. Last year some 17,000 prisoners were released into the community from prisons and jails run by my own agency.

I am here today on behalf of the Council of State Governments and the Association of State Correctional Administrators. CSG serves all elected and appointed State government officials. ASCA represents the 50 corrections directors. We in corrections thank this Committee for its leadership on matters of importance to the corrections profession. Time and again you have demonstrated your willingness to incorporate recommendations and expertise of correctional administrators.

I also want to thank Congressman Portman for his leadership on prisoner reentry. We appreciate the commitment of Representative Davis and Congressman Conyers as well.

My remarks cover three main points: explaining why the Federal Government must assist State and local governments in dealing with the growing number of people released from incarceration; highlighting the recommendations issued by the Reentry Policy Council; and discussing legislation currently pending before the Committee.

Experts report that next year's numbers will eclipse the already staggering figures on inmate releases up to this point. It is hard to overstate the implications of this trend for a number of public policy issues. There are implications for public safety. When policy decisions about prisoner release are not carefully considered and implemented, the results can be disastrous for protection of the public.

There are fiscal implications. Not only are high rates of recidivism a threat to community safety, but almost every State is con-

fronting severe fiscal problems and lacks the funds to sustain these rates of reincarceration.

There are implications for children and families. Children of prisoners are five times as likely to be incarcerated in their later lives as children without an incarcerated parent.

And there are implications for our communities. A large percentage of prisoners return to just a few communities that are already fragile, under great stress and ill equipped to support this population.

Thankfully there is a basis from which Congress and the Federal agencies can work. The Serious Violent Offender Reentry Initiative, a partnership among the Departments of Justice, Health and Human Services, and Labor, has made available funding support that the States have used to develop innovative, promising programs in the area of prisoner reentry. Unfortunately, just as we have begun to get these initiatives past the planning stage, SVORI funding has been exhausted.

In the absence of the legislation currently pending, the prospects for additional funding are extremely limited. Key components of our funds in my own State of Rhode Island will run out on June 30, 2005. This is precisely the juncture at which congressional action is needed.

To assist policymakers seeking to make the transition from prison or jail to the community safe and successful, the Council of State Governments partnered with 10 key associations, including ASCA, to establish the Reentry Policy Council. The Policy Council is composed of elected officials, corrections and law enforcement, human services agencies and providers, victim advocates and representatives of faith-based institutions. Its comprehensive report, copies of which we have here today, and hundreds of detailed recommendations embody the bipartisan consensus achieved among this diverse group. Its contents cover strategies for smart decisions about release and community supervision, support of crime victims, safe housing, treatment of substance abuse and physical and mental illness, job training and development and strengthening of family ties. The report also provides numerous examples from jurisdictions across the country. In addition, it outlines principles that are essential to the success of the entire reentry effort.

The bills introduced by Congressman Portman and Conyers are consistent with a great many of the Reentry Policy Council's recommendations. The discretionary grant programs established under these bills encourage comprehensive action on the complex needs of people released from prison and jail. They effectively encourage joint ventures and the engagement of community-based partners including faith-based institutions. They insist on accountability, providing focused goals for grantees. Perhaps most important, the guidelines and requirements are flexible, encouraging innovation and recognizing that there is no one-size-fits-all solution to prisoner reentry.

H.R. 5075 appears to take the additional step of rolling back many of the legal barriers that offenders face upon their return to the community. The council has not taken a position on changes to some laws, such as felony voting rights, around which we did not find a broad national consensus. The report does, however, speak

to the need for Government to conduct an inventory of existing regulations and laws to clarify where barriers to reentry exist.

H.R. 4150 addresses the Federal system and is therefore beyond the scope of the council's work. We now stand at an important crossroads. The existing system by which prisoners are returned to families and communities is unsafe and terribly cost ineffective. Initiatives begun through SVORI and the report of the Reentry Policy Council demonstrate that the system can be reengineered and reinvented. It is the role of Federal Government to call attention to these emerging models to stimulate additional innovation and to research and evaluate these programs and policies.

The safety and stability of our communities and families and the integrity of the justice system depend on Federal leadership. The reentry legislation before this Committee puts us on that path. We on the front line badly need its enactment and we look forward to working with this Committee toward its passage. Thank you.

Mr. COBLE. Thank you, Mr. Wall.

[The prepared statement of Mr. Wall follows:]

PREPARED STATEMENT OF ASHBEL T. WALL, II

Good morning. Thank you Chairman Coble and Ranking Member Scott for inviting me to testify about matters concerning prisoner re-entry and three bills currently pending before this committee: The Second Chance Act of 2004 (H.R. 4676), The Re-Entry Enhancement Act (H.R. 5075), and Carlie's Law (H.R. 4150).

My name is Ashbel T. Wall, II, and I am the Director of Corrections for the State of Rhode Island. Our corrections system is unified, meaning it includes both prisons and jails. Our average daily population is 3,500 inmates, housed in 8 institutions. We receive about 17,000 commitments annually; last year we released almost an equal number of prisoners to the community. Their length of stay varied from one day to over three decades of incarceration. As is true in many other correctional systems, I am responsible not only for institutional corrections, but also for the state's parole and probation services.

I am testifying today on behalf of the Council of State Governments (CSG) and the (ASCA) Association of State Correctional Administrators. CSG is a membership association serving all elected and appointed and state government officials; ASCA represents the 50 state corrections directors and the administrators of the largest jails systems.

On behalf of the men and women working in our nation's jails and prisons, I want to thank this committee's for its leadership on matters of particular importance to the corrections profession, such as the recent hearing you convened regarding the increasing number of inmates with mental illness and today's hearing about prisoner re-entry. On each of these occasions, and in connection with legislation such as the Prison Rape Elimination Act, you have demonstrated your commitment to incorporating the recommendations and expertise of corrections administrators, and we are extremely grateful to you for that.

I also want to thank Congressman Portman for his leadership on prisoner reentry; we appreciate very much the efforts he and his staff have made to incorporate ideas presented by the Re-Entry Policy Council into his legislation. We also are grateful to Congressman Conyers for his commitment to this issue.

The purposes of my remarks today are the following: 1) to explain why the federal government must assist state and local governments grappling with the growing numbers of people released from prison and jail; 2) to highlight bipartisan recommendations, which policymakers and practitioners agree will increase public safety, issued by the Re-Entry Policy Council; and 3) to discuss the legislation currently pending before the Committee.

1. THE CASE FOR CONGRESSIONAL ACTION

Nationally, more than 600,000 people are released from prison each year,[1] while over 7 million different individuals are released from jails.[2] The number of people released from prison has increased 350 percent over the last 20 years, and experts report that next year's numbers will eclipse the number of releases this year.[3] It is hard to overstate the implications of this trend for public safety, state and local government spending, children and families, and the stability of communities—among other public policy issues.

Public Safety. States and counties across the country are considering changes to release policies to relieve themselves of extraordinary budgetary pressure. When these policy decisions are not carefully considered and implemented, the results can be disastrous. In one state, for example, before officials were able to establish careful, science-based parole process, a governor facing severe fiscal pressure in his last year in office released nearly 1,000 inmates, some of whom were subsequently involved in high profile crimes.

Fiscal Implications. Recidivism rates of prisoners released from jail or prison are high and show little sign of decreasing. Many of the people admitted to prison were under supervision of the criminal justice system at the time of their commitment to the corrections facility. Nearly one-half of all prison admissions are probation or parole violators. At least half of these violations are technical-offenses for which someone could not be sentenced to prison. California alone spends close to one billion dollars a year re-incarcerating parole violators. Not only are such rates of recidivism a threat to community safety, but states confronting especially severe fiscal problems (which is now just about every state) do not have the funds to sustain these rates of re-incarceration.

Children and Families. Fifty-five percent of prisoners have children under the age of 18; those kids often depend on them, at least in part, for financial support, and almost always to be a responsible parent.[4] The problem is especially acute in particular communities: for example, in some Brooklyn neighborhoods, one out of eight parenting-age males is admitted to jail or prison in single year. Lack of attention to the children, spouses, and other kin of someone in prison accelerates the deterioration of families in the U.S. It also unwittingly raises the risk that another generation will cycle in and out of prisons and jails. A recent study found that children of prisoners are five times as likely to be incarcerated later in their life as a child who has not had a parent incarcerated.

Communities. For prison and jail systems across the country, an increasing percentage of prisoners hail from just a few communities in the corresponding state. In my state, for example, almost 25 percent of released inmates return to just four zip codes in the city of Providence. Fifteen percent of the neighborhoods in Baltimore receive 56 percent of the people released from Maryland state prisons. In Connecticut, almost half of the prison and jail population is from just a handful of neighborhoods in five cities, which have the most concentrated levels of poverty and nonwhite populations in the state.[5]

Communities receiving a disproportionately large share of people released from prison and jail are fragile and typically ill equipped to support this population: there is an absence of services (such as health care and drug treatment), employment opportunities, affordable housing, and supports in the surrounding area.

To address these issues, federal leadership is not only justified; it is essential. The Department of Bureau of Justice Statistics reports that expenditures on corrections alone have increased from $9 billion in 1982 to $60 billion in 2002. Yet, the likelihood of a former prisoner succeeding in the community upon his or her release is no better today than it was 30 years ago. By some measures, the process of prisoner re-entry has become much worse than it once was: In 1984, 70 percent of parolees successfully completed their parole term. By 2002, that number had dropped to 45

[1] SVORI website, www.ojp.esdoj.gov/reentry/learn.html

[2] Theodore Hammett, "Health Related Issues in Prisoner Reentry to the Community" (paper presented at The Urban Institute's Reentry Roundtable, Washington, DC, October 2000).

[3] James P. Lynch and William J. Sabol, *Prisoner Re-Entry in Perspective* (Washington, DC: The Urban Institute, 2001).

[4] Jeremy Travis, Elizabeth Cincotta and Amy L. Solomon, *Families Left Behind: The Hidden Costs of Incarceration and Reentry,* Washington, DC (Urban Institute, October 2003).

[5] CSG, *Building Bridges: From Conviction to Employment, A Proposal to Reinvest Corrections Savings in an Employment Initiative,* January 2003.

percent.[6] Neighborhood residents and families are no more prepared to support these individuals than they were at the time of their incarceration, and the few assets that these communities have available to assist them (such as faith-based organizations) remain effectively untapped.

Thankfully, there is a foundation from which Congress, the Department of Justice, and its sister agencies, can work. The Serious, Violent Offender Re-Entry Initiative, a grant program that represents a partnership among the Departments of Justice, Health and Human Services, and Labor, has made available valuable funding support which states have paired with state and local resources to develop innovative, promising programs and policies that address aspects of the issues described above. The efforts that have emerged in states like Rhode Island demonstrate how states can begin to reduce recidivism, increase safety, and strengthen families and communities.

Unfortunately, as states just begin to get these initiatives past the planning stage, and as they prepare for record numbers of releases from prison and jail, SVORI funding has been exhausted. In the absence of the legislation currently pending, the prospects for additional federal funding are extremely limited. Authorizing language for the trickle of funding that continues to flow toward this issue area provides only a skeletal outline of what needs to be done in prisoner re-entry. In sum, this is precisely the juncture at which Congressional action is needed.

2. THE RECOMMENDATIONS OF THE RE-ENTRY POLICY COUNCIL

To assist policymakers seeking to make men and women's transition from prison or jail to the community safe and successful, the Council of State Governments partnered with ten key associations, including ASCA, to establish the Re-Entry Policy Council. The Policy Council comprises key state and local leaders, including workforce development officials; housing providers; state lawmakers; representatives of health, mental health, and substance abuse treatment systems; criminal justice and corrections policymakers and practitioners; victim advocates; and ministers and others working in faith-based institutions. The Report of the Re-Entry Policy Council reflects the broad, bipartisan consensus achieved among this diverse group. Like the Serious and Violent Offender Reentry Initiative, the work of the Policy Council was supported by the Departments of Justice, Health and Human Services, and Labor.

The Report of the Re-Entry Policy Council identifies the programs and policies that are essential to realizing the goal of ensuring that people released from prison or jail will avoid crime and become productive, healthy members of families and communities:

- Make smart release and community supervision decisions
- Ensure support for crime victims
- Offer safe places to live
- Break bonds of addiction
- Treat physical and mental illness
- Foster meaningful relationships
- Provide training, education, and jobs

The comprehensive Report includes hundreds of detailed recommendations for implementing these programs and policies and provides examples of jurisdictions from across the country that are doing this work in interesting and innovative ways.

The Report further outlines several elements which are essential to the success of these programs and policies:

- Start thinking about and working towards re-entry as soon as a person is admitted to corrections facility.
- Partner with other government organizations and nonprofits; corrections can't do it alone.
- Never lose sight of the communities to which people will return.

These are themes on which we have focused Rhode Island's re-entry efforts. The Governor has brought the relevant players together and we're collaborating. We have been fortunate in these efforts to receive technical assistance from the National Governors' Association's Center for Best Practices and from the National Institute of Corrections through its Transition from Prison to the Community Initia-

[6] Lauren E. Glaze, *Probation and Parole in the United States,* 2002, Department of Justice, Bureau of Justice Statistics (Washington, DC: 2003), NCJ 201135.

tive. We're also working in partnership with community leaders in the neighborhoods to which the majority of our state's prisoners are returning. Local residents, religious leaders, and service providers have established the Family Life Center, a one-stop community-based organization dedicated exclusively to the successful re-entry of former inmates on the south and west sides of Providence.

3. LEGISLATION PENDING BEFORE THE COMMITTEE

The bills introduced by Congressmen Portman and Conyers are consistent with a great many of the recommendations of the Re-Entry Policy Council. The discretionary grant programs established under these bills encourage state and local governments to address comprehensively the complex needs, from health and housing to employment, of people released from prison or jail. They recognize the importance of planning for re-entry upon a person's admission to the corrections facility. And, they effectively encourage joint ventures among government agencies and the engagement of community-based partners, including faith-based institutions. They insist on accountability, providing focused goals for grantees. Perhaps most importantly, the guidelines and requirements are flexible, encouraging innovation and recognizing that there is no one-size-fits-all solution to prisoner re-entry. In the end, the design of programs and policies must be unique to each state.

H.R. 5075 appears to take the additional step of rolling back many of the legal barriers that offenders face upon their return to the community. The Re-Entry Policy Council is careful not to take a position on changes to some laws, such as felony voting rights, around which there is not a broad, national consensus. It does, however, speak to the need for state and local governments (as well as federal government officials) to conduct an inventory of existing regulations and laws to clarify where legitimate barriers to re-entry exist. For example, many federal, state and local government officials remain unclear about what federal laws and regulations state about ex-offenders' eligibility for publicly subsidized housing. The Portman bill, H.R. 4676 provides for such an inventory, and we applaud that appropriate first step.

Because H.R. 4150 addresses those under federal supervised release, including probationers in the federal system (as opposed to state or local probation), the Council of State Governments and the Association of State Correctional Administrators have not taken a position on this legislation. Certainly, the concept that underlies this legislation—immediately reincarcerating those who commit violent crimes while they are on conditional release—strikes me as sensible.

4. CONCLUSION

With his remarks in this year's State of the Union, the President has called unprecedented attention to the issue of prisoner re-entry. Thanks to the public interest and the leadership that has emerged in Congress around this issue, we now stand at an important crossroads.

The parallels between the existing situation and welfare reform in the mid-1990's are stunning. The existing system through which prisoners are returned to families and communities is unsafe, and, given the outcome, absurdly expensive. Initiatives in a handful of states, and the comprehensive, bipartisan *Report of the Re-Entry Policy Council,* demonstrate that this system can be re-engineered and reinvented. It is the role of the federal government to call attention to these emerging models, to stimulate additional innovation, and to research and evaluate these programs and policies. Indeed, the safety and stability of our communities and families, and integrity of the justice system, depend on such federal leadership. The re-entry legislation before this committee puts us on that path, and we look forward to working with this committee toward its passage.

Mr. COBLE. Ms. Saada Saar.

TESTIMONY OF MALIKA SAADA SAAR, EXECUTIVE DIRECTOR, REBECCA PROJECT FOR HUMAN RIGHTS

Ms. SAADA SAAR. Mr. Chairman, Members of the Committee, it is a privilege to be here with you today. Mr. Chairman, every week women are released from the D.C. Jail. Many of the women are released at night. They are wearing nothing but their prison jumpers. They are released into the night, without placement in a drug treatment program, without a referral to mental health services, without knowledge of a job or housing opportunity, without a bus

token, and without any form of identification. The story of incarcerated women who are released without services and without community support is a story that can be told all over this country.

It is critical, it is critical that in our discussions of reentry the voices of these women, who are mostly mothers, be heard. Twenty-five years ago, the presence of women, of mothers, was an aberration in the criminal justice system. That was before the war on drugs. Since the war on drugs, women have been increased in their incarceration by 400 percent. The majority of women behind bars are there for nonviolent drug offenses and the majority of them are suffering from untreated addiction. And most of these women offenders are mothers. Sixty-five percent of women in State prison and 58 percent of women in Federal prison are mothers to minor children. There are more than 2000 pregnant women behind bars.

These mothers behind bars receive little or no opportunity to heal from the disease of addiction. The lack of treatment for mothers is apparent at every point in their involvement with the criminal justice system. Pretrial diversion, release services, court sentence alternatives, and reentry programs for women offenders are restricted in number, size, and effectiveness.

Mothers behind bars and mothers reentering the community need treatment. They need comprehensive family-focused treatment so that they may heal rather than continue to go in and out of the criminal justice system.

Let me explain here what I mean by family treatment. Family treatment is comprehensive treatment that serves the mother and her children, that provides individual and family therapy, parenting classes, and vocational training.

Family treatment is about healing the whole family, the mother and her children. Family treatment is not the drive-by programs that only last 90 days or that force parents to make a selfish choice between treatment and their children. When parents enter into these kinds of family treatment programs, we know that they recover.

Research done by SAMHSA on family treatment demonstrates sobriety rates of up to 60 percent. The research also demonstrates that recidivism goes down by 43 percent, even after 6 months after discharge from the treatment program. The problem here is that we don't have enough family treatment before prison, during prison, or after prison. Family treatment represents less than 5 percent of the overall treatment that is available. And we see the consequences of this every day in the growing number of substance abusing mothers cycling in and out of the criminal justice system because of untreated addiction.

Successful reentry for mother offenders—as well as for other nonviolent offenders who are fathers—requires the expanding of family treatment services. Family treatment ensures lower recidivism rates, family stability, and child well-being. Until this continuum of services is available, substance-abusing mothers will remain ensnared in the criminal justice system and our families will continue to be destabilized.

Let me conclude with a story of Lorna Hogan. Lorna is a mother of four children, a survivor of severe domestic and sexual violence, and she's a recovering addict. During her addiction, Lorna was ar-

rested for a nonviolent drug felony. At the time of her sentencing, Lorna begged the judge for treatment, but her request was denied. She was placed in jail. Her children were put into foster care. At the end of her sentence, Lorna was released onto the streets. She had no idea where her children were. She was not given any kind of referral to treatment. Lorna returned to the streets and continued to use for another 2 years. By the grace of God she finally found a child welfare worker who placed her into a treatment program where she achieved sobriety and where she reunited with her children. Lorna and her children are now thriving. Lorna is a PTA mom. She lives in her own home. She is employed, and her children are excelling in school.

What if Lorna had been placed immediately into a family treatment program? What if Lorna were placed in treatment instead of jail? What about all the other mothers who go into jails and prisons suffering from untreated addiction and who never find their way for family treatment? How much unnecessary suffering and criminal activity could we alleviate if family treatment were made available to our mothers and to our children? Thank you.

Mr. COBLE. Thank you, Ms. Saada Saar.

[The prepared statement of Ms. Saada Saar follows:]

PREPARED STATEMENT OF MALIKA SAADA SAAR

Mr. Chairman, Members of the Committee, it is a privilege to be here today. My name is Malika Saada Saar, I am the Executive Director of the Rebecca Project for Human Rights. The Rebecca Project is a national advocacy and policy organization for low income families suffering with the intersecting issues of economic marginality, substance abuse, access to family-based treatment, and the criminal justice system.

Every week, women who have been incarcerated in the DC jail system are released. Many of these women are released in the night, wearing nothing but their blue prison jumpers. They are released into the night without placement in a drug treatment program, without a referral to mental health services, without knowledge of a job or housing opportunity, without a bus token, and without any identification. The story of incarcerated women who are released without services and community supports is a story that can be extended out to women's jails and prisons beyond Washington, DC.

It is critical that in our discussions of reentry, the voices of these women—who are mostly mothers—be heard.

Twenty-five years ago, the presence of women—especially mothers—was an aberration in the criminal justice system. However, following the introduction of mandatory sentencing to the federal drug laws in the mid 1980s, the number of women in prison has risen 400%.[1] The percentage of females incarcerated for drug offenses now surpasses that of males.

And most of these women are mothers:

- In State prison, 65.3 percent of incarcerated women are mothers to minor children.[2]
- In Federal prison, 58.8 percent of the imprisoned women are mothers to minor children.[3]
- Many women enter jails and prisons pregnant. In 1997–98, more than 2,200 pregnant women were imprisoned and more than 1,300 babies were born in prisons.[4]

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[1] Bureau of Justice Statistics., U.S.Dep't of Justice, ncj 175688, Women Offenders 1(Lawrence A. Greenfield&Tracy L. Snell eds.,1999)

[2] BUREAU OF JUSTICE STAT., U.S. DEP'T OF JUSTICE, SOURCEBOOK OF CRIMINAL JUSTICE STAT. 1998, at 488.

[3] *Id.*

[4] **Inmate Health Care, Part II, Corrections Compendium,** 23, 11 (1998). The number is based on information provided by 35 state correctional systems and the Federal Bureau of Prisons, some of which provided only approximate data. The other states did not respond to the survey at all or did not have information about pregnancies and births..

The most recent statistics indicate that drugs are responsible for the incarceration of 34 percent of state prisoners who are female and 72 percent of federal female prisoners.[5] Indeed, drug related offenses accounted for 65 percent of the increase in the female prison population between 1996 and 1999.[6]

When mothers are placed behind bars for untreated addiction, their children are either placed in foster care or kinship care. During the period of incarceration, it is a struggle for incarcerated mothers to maintain an abiding connection to their children. Women's prisons are often located in rural areas far from the cities in which the majority of inmates lived, making it difficult to maintain contact with their children and jeopardizing the prospects of successful reunification. A national study found that more than half of the children of women prisoners did not visit their mothers while they were in prison. Over 60 percent of the children who did not visit lived more than 100 miles from the prison where their mothers were incarcerated.[7] Incarcerated mothers with children in foster care are often unable to meet court-mandated family reunification requirements for contact and visitation with their children, and consequently lose their parental rights.

When these mothers are in prison, they receive little or no opportunity for healing from the disease of addiction. Effective programs for both male and female offenders are limited, but programs explicitly designed and implemented for women are nearly non-existent. Despite the growing numbers of female inmates, Morash and Byrnum found in a nationwide study that few services addressed women's distinct needs and experiences. Especially lacking were services for mothers and pregnant women.[8] The treatment programs that existed lacked comprehensiveness, and so counselors did not focus on the women's histories of physical and sexual victimization that led to their drug abuse.[9]

In its 1999 five-state study of the barriers to the provision of effective substance abuse and parenting services to women in prisons and jails, National Council on Crime and Delinquency (NCCD) identified several core unmet needs.[10] The women in the focus groups regarded the paucity of substance abuse services as a fundamental problem. They expressed a desire for more intensive and accessible programs. Many complained of long waiting lists, and said that the available services were administered by counselors who acted abusively and lacked adequate training.[11] None of the women reported on the availability of programs that addressed drug addiction and co-occurring mental health disorders.[12]

The dearth of adequate services for women offenders is not limited to incarceration settings, but impacts women at every point in their involvement with the criminal justice system. Pre-trial diversion and release services, court-sentenced alternatives and re-entry programs for women offenders are restricted in number, size, and effectiveness. A NCCD survey of promising community-based programs providing supervision and treatment services for women offenders revealed the extent of the problem.[13] A broad national survey of effective women-specific community corrections programs revealed that only 111 qualified as meeting the study criteria for offering community programs for female inmates.[14]

Mothers behind bars and mothers reentering the community must be afforded access to treatment in order to give families the opportunity to heal together from the disease of addiction. Unfortunately, families struggling with substance abuse issues are offered few opportunities to find treatment that is family focused, where they and their children may receive comprehensive services together. The Uniform Facility Data Set found that only 6 percent of the treatment programs surveyed included prenatal care and 11.5 percent provided childcare. Only 37 percent of mothers in need of drug treatment who are mothering children under the age of eighteen receive any kind of treatment services.

While family-based treatment represents a small percentage of the overall treatment available, family treatment programs enjoy consistently high levels of success.

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[5] Bureau of Justice Statistics., U.S.Dep't of Justice, ncj 175688, Women Offenders 1(Lawrence A. Greenfield&Tracy L. Snell eds.,1999) at 7.

[6] Women in Prison, BJS, (1994).

[7] *Id.*

[8] *See generally,* Merry Morash et al., Findings from the National Study of Innovative and Promising Programs for Women Offenders 40–46 (Dec.1995).

[9] Leslie Acoca, Natl. Council on Crime and Delinq. The Robert Wood Johnson Foundation, Barriers to the Adoption of Harm Reducing Gender-Specific Substance Abuseand Parenting Programs for Incarcerated Mother, spring 2000.

[10] *Id.* at 7.

[11] *Id.*

[12] *Id* at 9.

[13] *Id.*

[14] *Id.* at 8–9.

In 2001, the Center for Substance Abuse Treatment (CSAT) evaluated its Pregnant and Postpartum Women and Their Infants Program, which provides comprehensive, family-based treatment for substance abusing mothers and their children. Major findings of this study, at 6 months post treatment, include:

- 60% of the mothers remained alcohol and drug-free.
- Drug-related offenses declined from 28% to 7%.
- 38% obtained employment and 21% enrolled in educational/vocational training.
- 75% of the mothers had physical custody of one or more children.

In 2003 an additional cross-site evaluation of 24 residential family-based treatment programs 6 months after post-treatment revealed successful outcomes for mothers and their children:

- 60% of the mothers remained completely clean and sober 6 months after discharge.
- Criminal arrests declined by 43%.
- 44% of the children were returned from foster care.
- 88% of the children treated in the programs with their mothers remained stabilized, 6 months after discharge.
- Employment rose from 7% before treatment to 37% post-treatment.
- Enrollment in educational and vocational training increased from 2% prior to treatment to 19% post-treatment.

Evaluation studies at the state level of family treatment programs demonstrate similar findings of successful outcomes. For example, Center Point's LifeLink Treatment Program for Women and Children, a therapeutic communities treatment program in San Rafael, California offers comprehensive services for mothers with children. LifeLink is a model 40 bed residential program for substance abusing mothers and their minor children. A 2000 evaluation of 160 women and their 378 children who completed the program found the following:

- 70% of the mothers were employed after completion of the program
- Involvement in the criminal justice system declined from 67% to 33% of mothers reporting no further involvement in the criminal justice system.[15]

The Women's Recovery Program of Gateway Community Services in Jacksonville, Florida, offers comprehensive residential family-based treatment programs. A 1997 study of 467 women and their 1,374 children who completed the program found the following:

- 72% of mothers reported alcohol and drug abstinence at one-year post discharge
- 64% of mothers attained education necessary for employment
- 52% of mothers were employed at one-year post discharge
- 92% of mothers reported no further involvement in the criminal justice system
- 36% of the children who were not with their mothers prior to treatment were reunified with their mothers post-treatment.[16]

Successful reentry for mother offenders—as well as for non-violent offenders who are fathers—requires the expanded capacity of family-based treatment services. Until a continuum of family based treatment services is available, substance abusing mothers will remain ensnared in the criminal justice system and families will continue to be destabilized. Family-based treatment ensures lower recidivism rates, family stability, and child well-being.

Indeed, family treatment as a reentry policy must also be extended out to a no-entry policy. Most parents convicted of non-violent drug felonies who are suffering from the disease of addiction should be placed in comprehensive treatment programs, and not correctional facilities. Treatment alternatives to incarceration for mothers, as well as fathers, suffering with untreated addiction should be pursued in order for families to heal together.

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[15] Center Point LifeLink Evaluation, (2000).
[16] Gateway Community Services, Program materials (1997).

Mr. COBLE. Now, we impose the 5-minute rule against ourselves as well, so if you all could keep your answers fairly brief.

Mr. Wall, you view Federal involvement in this area as critical even for State criminal offenders who are being released. Will Federal legislation and appropriate programs actually save money in the long run, A; and B, how can we ensure that Federal funding will not result in a corresponding decrease in State funding in this area?

Mr. WALL. Mr. Chair, first with respect to whether—I believe your first portion of your question was whether Federal funding was going to make a difference.

Mr. COBLE. It could perhaps be a savings, even a savings.

Mr. WALL. I'm sorry?

Mr. COBLE. Even a savings of money. Yeah, will it make a difference?

Mr. WALL. I've been in corrections for 28 years, and I am convinced that it will. The fact of the matter is that recidivism and the recycling and churning of offenders back through the corrections system is extraordinarily expensive. When you consider the numbers that we have spoken about, and in my own State, one-third of all released inmates are returned on new sentences to prison within 12 months, you realize just what the cost will be.

Now, clearly, there are some offenders who are committed to a criminal lifestyle. They will go out and they will reoffend again. But I think that when one-third return within 12 months, that speaks to the failure of adequate preparation for release and good supervision.

Mr. COBLE. What do you say, Mr. Wall, about the possible corresponding decrease in State funding?

Mr. WALL. I can't imagine it happening. The reason, of course, is that corrections expenditures on institutions are 100 percent State dollars. Corrections is basically a State function. And increasing percentages of our budgets are—of our States' budgets are being devoted to bricks and mortar and officers and locks and fences. That will always be the case. There simply isn't money left over for the kind of work that the Federal Government can support through reentry.

Mr. COBLE. I thank you, sir.

Ms. Harris, have you heard from groups or individuals who oppose the revocation of parole provisions in your bill?

Ms. HARRIS. Originally when we first spoke of it, we heard of some concerns via the Internet and others, just as a reaction to some extent that they were concerned it was a knee-jerk reaction. But as they further engaged and we had the opportunity to delve further looking at revocation, mandatory revocation of probation, certainly as it now involves firearm possession or as it it's related to drugs, the understanding is that where it will relate to children it's extremely important to close that gap as well.

Mr. COBLE. Mr. Portman, yours and Mr. Davis's bill, does it create new Federal grant programs to assist States with prisoner reentry programs and/or does it amend or expand on already existing Government programs?

Mr. PORTMAN. Mr. Chairman, as you know, it primarily reauthorizes existing programs and that's the Reentry Demonstration

Grant Program that Mr. Wall talked about earlier. It does, though, also create a new mentoring program for adult and juvenile offenders and it also establishes a small pool of funds for State research, which I said earlier I think is critical to get better data.

The bill also authorizes the Federal Resource Center for Children of Prisoners, which has received Federal funding in the past, by the way, but has never been authorized. So you know, most of it is existing programs, reauthorizing them, improving those programs, as we talked about earlier. Some small new programs, including the mentoring program and the Center for Children of Prisoners Program has been receiving funding without authorization.

Mr. Chairman, I think this Federal role, further responding to your question to Mr. Wall, is critical for a very important reason; and that is we can bring best practices from around the country to the States. I agree with Mr. Wall, and I thank him for his great work and the Reentry Policy Council's work, that the States are eager to get into this issue even more. I don't think the States are going to pull back as they see a great benefit in terms of reduction of crime and dealing with the taxpayer issues.

But we can help at the Federal level to encourage innovation in reentry, establish standards of performance around the country and the standards of performance, you know, will be based on, again, best practices, and be able to disseminate to those communities simply what works and what doesn't work. I think the Federal Government has a big role to play here.

Mr. COBLE. I thank you, sir.

Ms. Saada Saar, let me beat the red light with you. Do you, Ms. Saada Saar, see a role for faith-based organizations in assisting prisoners reentering into society?

Ms. SAADA SAAR. There is absolutely a role for the faith-based community, and we also have to give honor to the role that they have played over these years. What is absolutely critical, though, when we talk about family-based treatment is that we make sure any faith-based organization that does family-based treatment knows how to do it, is providing comprehensive services to mothers and to their children, to the family as a whole. But absolutely, as long as they are comprehensive, as long as they are licensed to care for our children, they absolutely have a role in the struggle.

Mr. COBLE. I thank you. My time has expired. Gentleman from Virginia.

Mr. SCOTT. Thank you, Mr. Chairman.

As I suggested in my remarks, we've got choices we can make. And just doing a little back-of-the-envelope arithmetic, if you've got 2 million prisoners and increased incarceration 10 percent at $30,000 a year, you're talking about $6 billion. Now, Mr. Wall, you've been in corrections 28 years.

Mr. WALL. Yes, sir.

Mr. SCOTT. If you threaten someone, if you put a sign up that the punishment might go up from 5 years to 5½ years, would that have any impact on crime?

Mr. WALL. In my experience, crime is the product of a complex web of factors and the population that is incarcerated does not necessarily make rational choices about the punishment associated with the offense.

Mr. SCOTT. And so it would have negligible effect? Lengthening the—I've seen studies that said just lengthening the time that someone is in jail, say, from 5 years to 5½ years, would not have any effect on recidivism.

Mr. WALL. There are studies that have focused on that area and come to a variety of conclusions. To the best of my knowledge, Representative Scott, as you know, there's quite a bit of controversy about the effect of the higher incarceration rates on the crime rate across the country, some arguing that it has made a profound difference and some saying that it hasn't.

My interest in reentry, of course, is the fact that whatever the debate at the front end may be, you don't have to like it. You don't have to agree with it. But you have to accept that sooner or later virtually everybody is going to be released and the rubber meets the road for public safety in the community.

Mr. SCOTT. Well, I mean we have choices. If you had $6 billion on the table, would you want to increase punishment from 5 years to 5½, or would you want to invest it in reentry programs?

Mr. WALL. My own belief is that reentry is an investment that will yield long-term savings in money and produce healthier, safer communities.

Mr. SCOTT. Okay. Mr. Portman, one of the problems that we have on your approach is that it appears to be soft on crime. Now—because it's not mean on inmates. Now, on the education programs, is there any evidence that if you have an education program, that the recidivism rate will go down and therefore fewer victims will have to suffer crime?

Mr. PORTMAN. Absolutely. And I talked earlier about some States that are doing innovative work in that, talking about release before the prisoner's release, working with the prisoner, working with the community, being sure that the training or education that a prisoner is receiving in the system is actually relevant to what's available in the community, working with faith-based organizations, also working with private employers so that when someone is released there's a possibility of taking that education and applying it to something that's meaningful and can help that person make the transition.

Mr. SCOTT. And the reduction in crime is so much that the program probably pays for itself.

Mr. PORTMAN. Well, as I said earlier, I'm frustrated by the data, and I know you are too, because we don't have the kind of data that we should have.

But let me just give you one study that I mentioned briefly. It's Allen County, Indiana. They did an intensive reentry program which they found reduced recidivism and reduced cost to the community. Their cost was about $635,000 per year over a 2-year period. They said that their cost/benefit is $1.95 million over the 2 years of the study. But they also found out that the local community saw a reduction criminal cost of $4.9 million during that same period of time.

Now what does this mean? You could say it's $635,000 bucks a year and the benefit of 2 years. That might be a bit much. But the fact is the cost/benefit analysis here is very clear. I think you're absolutely right.

Mr. SCOTT. And certainly you would reduce crime a lot more with that investment than merely increasing incarceration.

Mr. PORTMAN. Well, yeah. I mean, you are someone who's spent a lot of time on this over the years. And incarceration is important. I mean there are lots of reasons for incarceration.

Mr. SCOTT. Let me say this. We're not talking about reducing incarceration. If you're going to put $6 billion into the crime—the fight against crime, where should the money go? Should it go in something that would be cost effective, probably save more than its cost and reduce crime, or down a rat hole increasing the incarceration where it probably wouldn't make any difference at all?

Now, one is soft on crime and one is tough on crime. And the studies that you've suggested, I mean, we've got—most of the studies we do on crime are polls: How does the slogan test in terms of our reelection? If it rhymes, it's a much better program.

Mr. PORTMAN. It has to fit on a bumper sticker too.

Mr. SCOTT. If it fits on a bumper sticker, it's a better program. Those are the kind of studies we usually have. What kind of study are you talking about?

Mr. PORTMAN. Well, I'm talking about what your question implies, which is that there are ways we could take relatively limited Federal resources and apply them at the State level and in the Federal system to reduce crime by reducing recidivism and getting at the fundamental problem.

I will say also, Mr. Scott, as you know, we've got a lot of groups who normally don't work together working on this issue. And you have helped bring some of these groups together. We've got the American Bar Association and the Family Research Council and the Children's Defense Fund working together on this issue. We also have the National Urban League taking a prominent role in this as well as the Prison Fellowship Group, which is a great faith-based group, the Salvation Army and the Conference of Mayors. So there is a recognition I believe out there, as I said earlier, among our States and local communities that this is a problem that needs to be addressed, and they're looking for our help.

Mr. SCOTT. Thank you.

Mr. COBLE. We'll have another round since it's just the Ranking Member and I here.

I have expressed this in previous hearings and it does relate to the issue before us, and that is overcrowding. I think prison overcrowding conditions, particularly in State institutions, is a bomb ready to explode. And I think that needs obvious addressing, and of course, as I say, this can indirectly apply to that as well.

Mr. Wall, let me ask you this, and this is a subjective question perhaps. But how do you successfully balance the need for reentry reform on the one hand with the need to protect citizens from dangerous ex-offenders on the other?

Mr. WALL. Mr. Chair, as I had mentioned earlier, the reality of incarceration is that with almost no exception, everybody is released. Everybody is released. Whether they have had treatment in prison or not, whether they are dangerous or not, eventually they get out. And it is our job, if we really care about public safety, to structure that release so that it can be as effective as possible and as safe as possible.

The fact is that there needs to be a balance between the kinds of supports and services which we know will assist somebody in reintegrating into the community and also thoughtful effective supervision for those who require close monitoring.

Mr. COBLE. I thank you. We have been joined by the gentlelady from Texas, Ms. Jackson Lee. Good to have you with us, Ms. Jackson Lee.

Gentleman from Virginia.

Mr. SCOTT. Thank you.

Ms. Saada Saar, you mentioned parents in prison. I've seen studies that show a substantial number of children who have parents in prison end up in prison themselves. What can be done to sever that trend?

Ms. SAADA SAAR. I want to talk about how family treatment can really break the cycle that we see. We know that when mothers are substance abusing and they are the primary caretakers of the children, we know that those children are more vulnerable to the cradle-to-prison pipeline.

There's a psychiatrist that was interviewed for the Children's Defense Fund study on the cradle-to-prison pipeline, and he said, if you show me a mother who's substance abusing, I can guarantee you that that child will wind up in the criminal justice system.

If we create and expand family treatment so that that mother who is substance abusing and her child can go into treatment and achieve healing, then we know we've broken the cycle. We know that child is no longer in the pipeline to prison.

Many of the mothers who are in family treatment across the country talk about how not only were they able to change their lives, not only were they able to achieve transformation, but that they see their children are in a very different place because of treatment. Their children are not picking up drugs, because they see the consequences of addiction on their parents. And those children have had the chance to deal with the impact of their parents' addiction so that their own suffering stops, so that they can live a different life.

But, again, we have to do this correctly. Doing drive-by treatment programs that are 90 days for our parents, that doesn't work. Not having any kind of after-care treatment for our parents when they're coming out of prison does not work. We have to do it right by doing comprehensive family treatment, not just for the parent coming out of prison, but we can stop this so that we don't see our mothers going into prison, our children going into the foster care system. And if we do it before the families go into the prison, we know we can stop the cycle of the children going into that pipeline to prison.

Mr. SCOTT. Thank you.

Representative Portman, are you familiar with the Prison Industry Program? Does that reduce crime?

Mr. PORTMAN. I think it does, Mr. Scott; again, which we talked about earlier, by providing training in certain industries. But maybe as important with most of these industries is to provide a way for prisoners to use their time more productively while incarcerated.

Mr. SCOTT. And in the end, reduces crime.

Mr. PORTMAN. In the end, allows people to reenter more successfully.

Mr. Scott, could I briefly touch on the children's issue you mentioned, because I think it's critical, and as I said earlier, this legislation doesn't do everything but it does focus on children, for the simple reason Mrs. Saada Saar talked about. It does in a number of ways. It helps Health and Human Services do more in terms of the developing regs that helps address family preservation. It also allows family members to be more involved in the reentry process than they are not now.

In other words, the funds would be used that would be an allowable source of the funds for State and local as well as the mentoring program we talked about.

It also fosters the creation or development of prisoner and family policies that help prisoners reconnect with their families while they're in prison.

And then finally with—regarding being sure that when they are out of prison, in treatment, that it's a family program. And this family-based treatment program is controversial. I will tell you, some people think you ought to be separated from your family while you're being treated. But the recent data indicates it's more successful if you can reenter with your family and do it in a more holistic way. It's a win-win, and the parents aren't separated from their kids, and they're more encouraged to meet their obligations as parents.

So I mean, this is an important part of the legislation that Mr. Davis and I are talking about.

[10:05 a.m.]

Mr. SCOTT. Let me ask a question about the faith-based initiative. Are there constitutional problems with directly funding faith-based organizations, and how can you pick which faith will get funded.

Mr. PORTMAN. The way we decided to go, there has been a lot of discussion on this, as you know. Only States and local governments would be eligible for the demonstration program, so we don't change that. The community-based organizations or nonprofits can apply for the new funds, and that would be through the Department of Labor. Faith-based groups like Catholic Charities, Volunteers of America have been involved in reentry and very successful.

Mr. SCOTT. Would this bill allow discrimination in employment with Federal money?

Mr. PORTMAN. We stayed away from that issue. We are not including charitable choice language in the legislation. We were not able to get a consensus on that. As important as those questions are, I know your Committee has been struggling with them, it says that faith-based entities can receive funding just as other organizations can. And I will say the legislation is supported by a number of faith-based organizations including Salvation Army, National Black Church Task Force and others.

Mr. COBLE. I thank the gentleman.

The gentlewoman from Texas Ms. Jackson Lee.

Ms. JACKSON LEE. I thank the Chairman very much.

I can't reinforce enough the crucialness of this hearing, and I thank the Chairman and the Ranking Member for the interest. If

we come back in a lame duck session, I hope that we will be able to continue this and maybe even before the complete end of this session have some legislation passed. Many of us have variations of this legislation, and I think it is important to bring some resolution to it primarily because we see we are, one, both overcrowded in our Federal system, but certainly we are overcrowded in our State system, and we are overburdened by our lack of response to those reentering or seeking to work with their families.

Let me thank the panelists. I want to say a few words and ask a question. At the same time, I would like to have submitted into the record H.R. 3575. I ask unanimous consent to submit into the record H.R. 3575, "Federal Prison Bureau Nonviolent Offender Relief Act of 2003 and 2004."

Mr. COBLE. Without objection, it will be received.

[The bill, H.R. 3575, follows:]

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108TH CONGRESS
1ST SESSION

H. R. 3575

To amend title 18, United States Code, to provide an alternate release date for certain nonviolent offenders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2003

Ms. JACKSON-LEE of Texas (for herself, Mr. LEWIS of Georgia, Mrs. CHRISTENSEN, Mr. CLAY, Mr. GRIJALVA, Mr. CUMMINGS, Mr. PAYNE, Ms. KILPATRICK, Mr. BALLANCE, Mr. OWENS, Mr. RUSH, Mr. DAVIS of Illinois, Mr. CONYERS, and Ms. WATSON) introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To amend title 18, United States Code, to provide an alternate release date for certain nonviolent offenders, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Prison Bureau Nonviolent Offender Relief Act of 2003".

SEC. 2. EARLY RELEASE FOR CERTAIN NONVIOLENT OFFENDERS.

(a) IN GENERAL.—Section 3624 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "at the early release date provided in subsection (g), if applicable, or otherwise" after "A prisoner shall be released by the Bureau of Prisons"; and

(2) by adding at the end the following:

"(g) EARLY RELEASE FOR CERTAIN NONVIOLENT OFFENDERS.—Notwithstanding any other provision of law, the Bureau of Prisons, pursuant to a good time policy, shall release from confinement a prisoner who has served one half or more of his term of imprisonment (including any consecutive term or terms of imprisonment) if that prisoner—

"(1) has attained the age of 45 years;

"(2) has never been convicted of a crime of violence; and

"(3) has not engaged in any violation, involving violent conduct, of institutional disciplinary regulations.".

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Ms. JACKSON LEE. Both Texas—well Texas, a State that I come from, experimented with two sides of the coin, and that was in the 1990's, late 1980's, overbuilt or built prisons. That was their solution to crime, and we could find a prison on every corner. We find ourselves—and then of course, with our own sentencing guidelines, sometimes overcrowded to the point where they had to release persons. It is a different system than the Federal Government. But releasing them to what? How do you strengthen families, help to collaborate, get people where they need to be?

Many of you may know the name Whitney Phipps, who has a program where he has documented the fact that the children of the incarcerated wind up in the same cycle, so we are doing something wrong. And he has the Dream Program that interfaces children with computers and works with the families.

I have a program—not a program, but a thought that we are not doing anything to keep nonviolent offenders incarcerated under mandatory Federal sentencing, and I believe that that is one side of the coin that we have to look on is that we are warehousing individuals, and are they really functioning; are they being rehabilitated.

Let me say, if I could ask Mr. Portman, Mr. Wall and Ms. Saada Saar, clearly, let's talk about cost. And, Congressman, forgive me, do we have any documentation on how much we would save in our criminal justice system if we invested in programs on your legislative—and you may have said this—your legislative aspect, if you would do that?

And both—Mr. Wall, you are a correction person. Your responsibility is to incarcerate, but in your movement through the criminal justice system and population, what would you see the definitive cost-benefit—what could you do better in your prison if you didn't have excess persons or recycled persons?

And again to Ms. Saada Saar, which I think is an important movement, let me congratulate you, on women, the kind of investment, success we would have if we invested in women who will invest in their children.

There are faith-based persons in the room. I recognize the United Methodist Church, and I think there are great ways of avoiding the discriminatory aspects of we may consider very crucial, very great ways of encouraging and increasing the church, parish, synagogue, et cetera. They have already been partners in many instances in prison ministries. So I think this is an excellent way to do this without some of the concerns we have earlier expressed.

I yield to Mr. Portman on that question.

Mr. PORTMAN. Thank you, Ms. Jackson Lee. It is a tough question, we talked about it earlier, because the data is not out there. One of my frustrations is we have been looking into this, working with you all in the last year to put through the legislation. We don't have the data we need. That is why in the legislation we provide for Federal funding to do better research on the entire issue of reentry.

But in particular, this issue of what is the cost-benefit, I did, in response to Mr. Scott's earlier question, list one example in Indiana where we have some pretty good data there showing that they had an aggressive reentry program over 2 years. They believed it saved

them considerable amounts, $635,000 cost, benefit of up to 6 million, depending on how you add the cost of the study.

Let me go back to Texas. You are familiar with this program, I know. The Texas project, the Reintegration of Offenders Program, found that 69 percent of their participants found employment rather than the 36 percent of a controlled group; it also found that after release, 23 percent of participants returned to prisons versus 38 percent. That evaluation concluded that by reducing recidivism and reincarceration, RIO saved the State $15 million. That is more than the entire $8 million annual budget.

We have good data from around the country and we are trying to pull that together as best we can. Your data from Texas is one example. The Indiana data is another. We have some information from Washington State that is helpful in this category.

It is common sense when you think about it. You talk about the costs over $25,000 per year of incarcerating someone. We talked about if you could even reduce that by 5, 10, 15, 20 percent—Mr. Scott had some back-of-the-envelope calculations on that, what kind of costs you save. The savings to society in terms of reduction of crime could be enormous.

Ms. JACKSON LEE. Mr. Wall.

Mr. WALL. Representative Jackson Lee, I have experienced a severe overcrowding in our system during the course of my career, overcrowding so severe that the Federal Court interceded and ordered the release of both awaiting trial and sentenced inmates prior to the terms in which they might otherwise have been discharged. And I can speak from experience and say that when there are large number of inmates in institutions that weren't designed to hold them, it strains every aspect, and the priority becomes the maintenance of order.

It is very difficult to conduct meaningful programming in that kind of setting, and I have been distressed that over the years we paid insufficient attention to the fact that one of the reasons our institutions have so many inmates is because of this churning repeat cycle of people who are released and return within short order. And I firmly believe, and I am sure I speak for my colleagues, that if we had the ability to adequately prepare people for release and to sustain those supports and provide good supervision after they are out, we would then have fewer numbers returning and could do an even better job with the ones that are incarcerated.

Ms. JACKSON LEE. Thank you very much.

Mr. Chairman, if you would, ask unanimous consent for additional time for her to respond.

Mr. COBLE. And we will recognize the Ranking Member of the full Committee.

Ms. Saada Saar.

Ms. SAADA SAAR. A few numbers to put out there in looking at a cost-benefit analysis. It is 17,000 a year to treat a mother and her children. It is 17,000 a year to do family treatment. It is 39,000 a year to incarcerate a mother. We need even better research than that, because we don't know how to look at the costs of putting our children into the child welfare system as a result of a parent's incarceration. We have not talked about the costs of a child going

into juvenile hall as a result of a mother substance abusing and not receiving treatment. So I already will present the idea of 17,000 for treatment versus 39,000 for incarceration. But we need to do better in terms of looking at the costs to the entire family when we do cost-benefit analysis research.

Ms. JACKSON LEE. I thank the witnesses.

Just on the record, Mr. Chairman, just this sentence on the record. One of our death row inmates who committed a crime as a teenager, mother was a crack addict and father was murdered, he ultimately murdered and sitting on death row and been sitting there for 17 years. It was a perfect example of what I think you are talking about and what an amazing cost to society that that family presented. I hope, Mr. Chairman, we can move on that legislation particularly dealing with the good Federal Prison Nonviolent Offender Relief Act, which I hope to discuss with this Committee.

Mr. COBLE. Thank the gentlelady.

The Chair now recognizes the Ranking Member of the full Judiciary Committee, the gentleman from Michigan, Mr. Conyers.

Mr. CONYERS. Thank you, and good morning, Mr. Chairman. I welcome the witnesses here.

First a cause for celebration. We are all looking at reentry and recidivist problems together. I want to thank Chairman Coble for that. The only problem is that the Ds are working on their bills, and the Rs are working on theirs, and my goal is to get us together so we are all looking at the same thing. There are two bills out here, and this is a very good beginning.

First of all, I congratulate you for picking up a matter that some of us have been working on. I know the Ranking Member of this Subcommittee and the gentlelady from Texas have been on this prison reentry problem for many years, because the Congressional Black Caucus has been dealing with this in workshops over the years. And so what we are doing now is looking at both pieces of legislation. I think it is fair to say that neither of these are going to be reported very far before the end of the 108th session. And so, this gives us a chance with our minority witness who is here and us to review some of the things that I think we could come to some agreement on.

Mr. COBLE. Would the gentleman yield just a moment? You, in effect are tracking what I said at the outset. I said this will go nowhere legislatively this session, but I think this may provide a springboard to maybe get a jump start, and I appreciate you yielding.

Mr. CONYERS. And then I wanted to ask Ms. Harris, who I am happy to see working on this subject, about Carlie's Law, H.R. 4150, because it figures into this, too, and I would assume that you are also a cosponsor of Rob's measure as well; is that correct?

Mr. HARRISON. I am not certain we are cosponsors yet. We support Mr. Portman's bill, and we see this as complementary as we so applaud his efforts for reentry, training, support education. And our law doesn't want to preclude that in any measure. Certainly, just the aspect that it affects the child mandatory revocation would occur.

Mr. CONYERS. Would you do me the honor of looking at my bill on this same subject? Rob and I haven't talked yet. So if we send

you over our bill, let's look at all of these together, because this is how it starts. And I'm happy that all of us are here and that even in the last few days of the Congress, this Subcommittee saw it important enough to take this under advisement.

Mr. COBLE. I thank the gentleman. And I thank——

Mr. PORTMAN. Could I have a moment to respond to Mr. Conyers?

Mr. COBLE. If you could do it quickly, because I was supposed to be at another meeting 5 minutes ago.

Mr. PORTMAN. I want to thank Mr. Conyers for his work on this issue and not just over the last year, but over the many, many years, and tell him I look forward to talking with him further about it. We appreciate the input you have given to this legislation, H.R. 4676, which is the new kid on the block. We have got now 47 cosponsors, 28 Democrats, 17 Democrats. Danny Davis was here earlier and his statement was put into the record first. I know you have some different provisions than our legislation. Yours has more funding. But I do think, as you said at the outset, we need to do what is doable and get something started, and that is what this legislation is meant to do.

Mr. CONYERS. Mr. Chairman, without trying to predict the outcome 26 days from now, if you want us to carry on the hearing for you, we would be happy to do that.

Mr. COBLE. I thank you all for being here, and I thank the witnesses here as well and those in the audience. You are interested in this issue, and you have hung tough with us as well. The Subcommittee appreciates the contribution of the four panelists.

This concludes the oversight hearing on Federal offender reentry and protecting children from recidivists. The file will remain open for 5 days. If you all come across information that has not been submitted, the file will be open.

We thank you for your cooperation, and the Subcommittee stands adjourned.

[Whereupon, at 10:15 a.m., the Subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

CONGRESSWOMAN SHEILA JACKSON LEE

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

Oversight hearing on Federal Offender Reentry and Protecting Children from Criminal Recidivists.

9:00 A.M. OCTOBER 7, 2004

2141 RAYBURN HOUSE OFFICE BUILDING

Mr. Chairman,

I want to thank Chairman Coble and Ranking Member Scott for holding this important hearing today on bills related to offender

re-entry programs. These three proposals address this issue in different ways.

Record numbers of offenders are being incarcerated in federal and state prisons in the U.S. After inmates complete their terms, they return to communities throughout the nation. Many are successfully reintegrated into society, but a significant number of ex-offenders are arrested for new crimes or violations of parole and are returned to prison.

Between 1980 and 1998, the number of federal and state inmates released to communities has increased more than threefold. Many offenders who have served their terms violate the terms of their parole or commit subsequent violations that lead to reincarceration. Since 1980 recidivism rates have been about 40 percent historically. Within the group of recidivists, the number of offenders reincarcerated for violating parole or other release conditions increased more than sevenfold, from 28,817 in 1980 to 209,782 in 1998. Further, such reincarcerations represent an

increasing proportion of all prison admissions – for example, reincarceration of violators of parole or other release conditions represented 17 percent of all prison admissions in 1980 but increased to 35 percent of admissions in 1998.

We can do better. Texas and California have demonstrated that prison rehabilitation programs – now called "re-entry programs" – can be effective and a cost-efficient way of lowering recidivism. In Texas for example, a system of graduated sanctions for minor parole violations has lead to a significant reduction in the state's prison population. However, alternatives to these approaches may be appropriate in other regions of the country or in the federal prison system.

Nationally however, the total inmate population in federal and state prisons increased almost fourfold during the past 2 decades – from 329,821 at the end of 1980 to about 1.3 million at the end of 1999. The number of inmates who complete their sentences and return to communities has also risen significantly in

recent years. A study by the General Accounting Office reported reincarcerations represent an increasing proportion of all prison admissions. For instance, reincarceration of violators of parole or other release conditions represented 17 percent of all prison admissions in 1980 but increased to 35 percent of admissions in 1998.

The 'Second Chance Act' provides grants to fund services in mentoring, education, and family services that will help to facilitate the re-entry of released prisoners into society. The bill also funds state and local governments to develop programs with non-governmental organizations to further help with the re-entry process. Importantly, this bill includes a provision that provides grants to state and local governments to develop procedures to ensure that dangerous felons are not released from prison prematurely.

The Re-Entry Enhancement Act has additional features to facilitate the re-integration of offenders. For example this bill

helps to restore Medicaid, creates prohibitions on employment discrimination, and under certain circumstances maintains voting rights for non-incarcerated offenders.

Carlie's Law takes a different approach. It does not address the re-entry of offenders into society. Rather it merely expands the grounds under which mandatory revocation and supervised release can be granted.

As these bills develop, we need to be mindful of the need offenders to re-enter society in ways that will maintain the safety of the community, while providing the training, substance abuse treatment, and other programs that will facilitate re-integration. Today's hearing will help with that process.

PREPARED STATEMENT OF THE HONORABLE JOHN CONYERS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Statement of Congressman John Conyers, Jr.
Subcommittee on Crime, Terrorism and Homeland Security
Hearing on Federal Offender Reentry and Protecting Children from Criminal Recidivists
October 7, 2004

Good morning. I am pleased to join my colleagues on the Subcommittee on Crime, Terrorism and Homeland Security today as we address the issues of federal offender reentry and the protection of children from criminal recidivists. I commend Chairman Coble and Ranking Member Scott for holding a hearing on such issues that greatly warrant the attention of this Congress.

The United States imprisons more people than any other country in the world. Approximately 2.1 million people are behind bars. At the federal level, the Bureau of Prisons reports that there are 180,318 prisoners. About 650,000 prisoners will be released within 2004. However, it is expected that 1/3rd of this population will return to jail. These statistics suggest that prisoner and ex-offender issues must be at the forefront of our legislative agenda.

In response to this unprecedented explosion in our prison populations, as well as the fact that most prisoners are not permanently banished from our society and upon release would like to become productive citizens, I have introduced, H.R. 5075, the Rebuild Lives and Families Re-Entry Enhancement Act of 2004. This legislation will be the next important step in establishing policy to help the men and women emerging from our nation's prisons and jails re-integrate into society and rebuild their lives.

Reentry refers to the return of incarcerated individuals from America's jails and prisons to the community and their reintegration into society. There is a pressing need to provide these individuals with the education and training necessary to obtain and hold onto steady jobs, undergo drug treatment, and get medical and mental health services.

However, they are confronted with the "prison after imprisonment" - a plethora of seemingly endless obstacles and impediments which stymie successful re-integration into society. These obstacle have substantially contributed to the historically high rate of recidivism.

This legislation is designed to assist high-risk, high-need offenders who have served their prison sentences, but who pose the greatest risk of re-offending upon release because they lack the education, job skills, stable family or living arrangements, and the substance abuse treatment and other mental and medical health services they need to successfully reintegrate into society.

Title I of the bill re-authorizes and enhances our early adult and juvenile reentry programs to broaden the availability of critical ex-offender services, while Title II addresses the substantive federal barriers to successful reentry. Title II will provide ex-offenders with the following crucial reentry assistance:

- The right to vote in Federal elections for non-incarcerated ex-offenders
- A prohibition on unwarranted employment discrimination
- Reform of 'one strike' mandatory eviction
- Amendment to the Adult Education and Family Literacy Act to remove restriction on amount of funds available for corrections education programs
- Clarification of authority to place prisoner in community corrections
- Removing barriers to TANF and food stamps
- Reform of provisions that limit family reunification after prison
- State medicaid plan requirement to ensure restoration of coverage for eligible individuals upon release from confinement
- Reform of supervised release
- Grants to study parole violations and revocations
- Residential substance abuse treatment programs
- Reform of student financial assistance
- An Increase in Federal work opportunity tax credit

Both titles include provisions requiring that the funded programs be rigorously evaluated and the results widely disseminated, so that reentry programs can be modified as needed, to ensure that recidivism is reduced and public safety enhanced.

Joining me in this effort to address issues of reentry and criminal recidivism, are several colleagues in the House. Today, we are joined by Congressman Rob Portman who has introduced H.R. 4676, the Second Chance Act of 2004, and Congresswoman Katherine Harris who has introduced, H.R. 4150 Carlie's Law. Congressman Portman's bill, like mine, provides for the re-authorization of our adult and juvenile reentry programs to broaden the availability of critical ex-offender services, but fails to address some of critical barriers to reentry faced by former prisoners.

Congresswoman Harris' bill protects children from criminal recidivists by mandating the revocation of probation when a federal felon commits a felony crime of violence and when he or she perpetrates any crime of violence or a sexual offense against a child under 16, but does not address any reentry issues.

Both Members have provided great first steps to addressing reentry and criminal recidivism issues through their legislative proposals. However, I would propose that a more comprehensive approach is needed and such an approach is found in my bill. I ask that my colleagues in the House and friends in the community use this hearing as an opportunity to properly explore the issues before us so that we can move forward with the appropriate legislative response. Thank you.

PREPARED STATEMENT OF THE HONORABLE DANNY DAVIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

STATEMENT OF THE HONORABLE DANNY K. DAVIS
Committee on the Judiciary's
Subcommittee on Crime, Terrorism and Homeland Security
Hearing on
Federal Offender Reentry and Protecting Children from Criminal Recidivists
Thursday, October 7, 2004
Rayburn 2141

Good morning Chairman Coble and Ranking Member Scott, as you may know rehabilitating and reintegrating prisoners back into society continues to loom as one of the great needs of our day. The high rates of incarceration over the last decade have made this need all the more urgent, as large numbers of individuals with felony convictions are coming to the end of their sentences.

During his State of the Union Address in January, President Bush said, "600,000 inmates will be released from prison back into society" this year, and these Americans are in need of help. We can expect on an annual basis that this large number of released inmates from prison will continue for the next five years. Also, let us be mindful that local jails are releasing ten million people each year. Many of these individuals are never able to find a decent place to live; cannot access various entitlement programs such as public housing, financial assistance for college, and, in some instances, food stamps; and are oftentimes denied employment because of their past criminal convictions. Statistics show that nearly 52% of these individuals end up back in jail.

As these men and women transition from incarceration to freedom, what they need most are comprehensive reentry solutions. With the implementation of the Second Chance Act of 2004: Community Safety through Recidivism Prevention, it calls for improving and establishing an effective reentry system to assess and change those barriers that prevent ex-offenders from making a successful transition from prison to normal community life. The Second Chance Act contains demonstration projects that will focus on providing ex-offenders with education, job training, substance abuse and aftercare treatment, and assist ex-offenders with employment and securing housing upon release from prison. In addition, it will create a federal interagency taskforce to identify programs and resources on reentry and identify and recommend ways for improving and changing those barriers that prevent ex-offenders from living a normal, responsible and productive life in society. Also, the Second Chance Act will establish a resource center for states, local government, service providers, corrections and community organizations to collect and disseminate best practices and provide training and support around reentry. The Second Chance Act is a good first step that will provide a directional approach as to what works in how to increase public safety, reduce the cost of crime, and lower the recidivism rate.

Prevention, treatment and rehabilitation are just as important as incarceration. These men, women and children still have to live in our communities. Increased public safety is a primary concern of communities and neighborhoods all over the country. Although, public safety is a difficult goal to obtain because of the vast and extreme barriers that ex-offenders encounter everyday of their lives. In Illinois, ex-offenders are prohibited from working in 57 occupational categories without some form of waiver. For example, ex-offenders are not allowed to be a barber, a nail technician, they cannot be a custodian in a hospital or school. Many of these ex-offenders were convicted of nonviolent offenses, mainly drug convictions. So it is extremely difficult for ex-offenders to find housing and to get a job after they have paid their debt to society. We must ensure that everyone has the opportunity to be

productive citizens in this country. Everyone deserves a second chance. The bill before you now by my colleague Rob Portman and I will start this process when it becomes law to give ex-offenders hope to transition themselves back into normal community life.

In the 7th District of Illinois, I have 31 task force committees consisting of constituents that are closely involved with various issues in the district. One of these committees is the Ex-offenders Task Force who represent a broad group of members from national and local civil rights organizations, community based organizations, law enforcement officials, elected officials, community activists, faith-based organizations, block club residents, businesses, and community residents involved with the ex-offender population.

The Task Force convened several focused meetings to explore the problems and recommend solutions. As a result from their efforts, I introduced H.R. 2166, the "Public Safety Ex-offender Self-SufficiencyActof2003." This legislation is designed to provide structured living arrangements for ex-offenders as they return home, an arrangement that is not designed to cost taxpayers a great deal of money. We use a creative approach to financing by creating a model like the low-income housing tax credit program, where instead of credits on the basis of population, that we provide credits on the basis of the number of ex-offenders in a State. Private developers are encouraged to develop housing. This bill calls for the development of 100,000 residential units over the next five years, the idea being that corporations who do this will get the benefit of their resource back within a 10 year period. They must hold the facilities at least for 15 years. Individuals will then have a place to live for two years, where they can also receive education, job training, skill development, counseling for whatever their social or physical-medical problems may be, as well as health care and assistance with job placement.

I urge this committee to support the Second Chance Act of 2004 and the Public Safety Ex-offender Self-Sufficiency Act of 2003. Thank you!

POST-HEARING QUESTIONS FROM THE HONORABLE SHEILA JACKSON LEE TO THE HEARING WITNESSES [1]

Questions

Subcommittee on Crime, Terrorism, and Homeland Security

Oversight hearing on Federal Offender Reentry and Protecting Children from Criminal Recidivists.

- (**Malika Saada Saar**) – you presented some encouraging statistics of success of family-based treatment centers for women with minor children. These centers seem to suited for those with substance abuse problems.
  - What kind of data are available for the detention and rehabilitation of those guilty of other offenses?
  - What kind of data or studies are available to compare the family-based treatment centers to conventional incarceration or to other alternatives?

- (**Rep. Portman**) – you mentioned that there are some who believe that up to 84 percent of prison inmates may have some drug or alcohol involvement at the time they committed their offense and between 57% and 70% of inmates use drugs regularly before prison. How successful are prison drug treatment programs in curbing these addictions prior to release?
  - When the addiction is broken prior to release, are there statistics for inmates that return to drugs?
  - Beyond family-based treatment centers for mothers detained for substance abuse, are there treatment programs that could be a model for future legislation?

[1] At the time this hearing was printed, the Committee had not received a response from Ms. Malika Saada Saar to the questions posed by Ms. Jackson Lee.

- **(Ashbel T. Wall)** – you are on the ground and see the effects of incarceration first hand. The bills introduced by Reps. Conyers and Portman both include grants to state and local governments to develop programs that could help to facilitate re-entry initiatives.
    - Please describe how you would spend your first grant award, how much it might cost, and what results you could measure to determine success.

- **(Rep. Harris)** – you reported on the tragedy that Carlie Brucia and her family suffered. Yet you concede in your testimony that the bill you propose would not have prevented her heinous murder.
    - What could have been done to prevent it?

Questions from the Honorable Sheila Jackson Lee

Subcommittee on Crime, Terrorism, and Homeland Security

Oversight hearing on Federal Offender Reentry and Protecting Children from Criminal Recidivists.

- (**Rep. Portman**) – you mentioned that there are some who believe that up to 84 percent of prison inmates may have some drug or alcohol involvement at the time they committed their offense and between 57% and 70% of inmates use drugs regularly before prison. How successful are prison drug treatment programs in curbing these addictions prior to release?
    - When the addiction is broken prior to release, are there statistics for inmates that return to drugs?
    - Beyond family-based treatment centers for mothers detained for substance abuse, are there treatment programs that could be a model for future legislation?

Portman Answer:

There is evidence that in-prison drug treatment programs are effective both pre-release and post-release. The key, of course, is that in-prison treatment is far more effective when coupled with treatment in the community after a prisoner is released. When there is not a continuum of care (access to AA meetings immediately, for example), there are much higher failure rates. That is why reentry programs are so important.

The research shows that without post-release aftercare, results are almost the same as if the inmates did not get treatment. The need for post-release continuity applies to every domain, including drug treatment, employment services, mental health counseling, or parent training. It is critical to make sure the connection is made during reentry to the community. There are several successful programs that serve many different populations from adult men and women to juveniles.

The NIDA study of the California Amity Program showed a 75% return to custody rate after three years for offenders with no treatment. The return rate dropped to 27% with in-prison treatment and aftercare. Return rates to prison of those offenders receiving treatment in prison, but not receiving aftercare or continuing care were similar to those offenders receiving no treatment in prison (Institute of Behavioral Research, Texas Christian University, Wexler et al).

A study of the Delaware Key-Crest Program showed that after three years a released prisoner who received no treatment had a re-arrest rate at 71% for new arrests and a relapse rate at 95 % for drug use, but if an offender received in-prison treatment and completed aftercare then the re-arrest rate decreased to 31% and the drug use relapse rate dropped to 65% (Institute of Behavioral Research, Texas Christian University, Martin et al).

Two studies of offenders who participated in community-based substance abuse treatment after release from prison found that treatment provided a statistically significant positive benefit in terms of reducing recidivism among subjects in the study compared to the comparison group that received no treatment (Belenko & Peugh 1998; Davidson-Coronado 2001).

There are a number of evidence-based programs that could and should be used nationally as models for future legislation.

For example, drug courts have begun to respond to the special needs of female populations. Research has found that female program participants have, on average, less money and fewer years of education. They are also more likely to be homeless, mentally ill, unemployed, and abused. Women are also more likely to have health problems and greater family responsibilities, a possible distraction from their focus on recovery. Drug courts around the country are addressing the differences between men and women in a number of ways:

- A drug court in Kalamazoo, Michigan, has created separate courts for men and women.
- Santa Clara, California court addresses the health needs of women through a partnership with the public health department, which offers services to women who are pregnant or have young children.

- The Brooklyn, New York Treatment Court utilizes a psychiatric nurse practitioner to help get women with critical needs into treatment more quickly. They have also developed a host of on-site services specifically geared to supporting women in treatment.

Additionally, programs in prisons and jails appear promising. The Forever Free program, which operates at the California Institution for Women, uses an educational curriculum combined with a strong 12-step emphasis that lasts up to 6 months. Graduates from the program can volunteer to participate in community treatment upon release to parole. A 1-year follow-up evaluation of the program of 180 women yielded positive outcomes.

The Pine Lodge Pre-Release Therapeutic Community for Women Offenders in Washington State is a program for women offenders who have been screened and identified as having a serious substance abuse problem and who have between 7 and 12 months remaining to serve on their jail sentences. The program's goal is to restructure and develop pro-social cognitive, behavioral, and affective skills of addicted women offenders. An evaluation found that 13% of the women who successfully completed the program and just over 22% of those who spent some time in the Pine Lodge therapeutic community but did not complete the program incurred a post-release conviction compared to 30% of the control group (Mosher & Phillips 2004).

Other programs nationwide are also promising. The Ohio Department of Alcohol and Drug Addiction Services (ODADAS) cooperatively operates with the Ohio Department of Rehabilitation and Corrections (ODRC) four prison-based correctional facilities that are therapeutic communities. ODRC coordinates prison programs with services in the community, which is paramount for successful outcomes.

The key element in these promising programs is aftercare. Whether it be drug treatment, mental health services, job training or parenting skills, successful completion and reduced recidivism depend largely on the availability of these services during the transition home and post-release.

RESPONSE TO POST-HEARING QUESTIONS FROM THE HONORABLE KATHERINE HARRIS

Dear Congresswoman Jackson-Lee:

You have raised an extremely important question about H.R. 4150, entitled Carlie's Law. I am pleased to provide you with the following response.

As you know, Carlie Brucia's accused murderer was convicted in Florida's state court system. Thus, only the Florida Legislature can address the laws that permitted him to remain free when his criminal record demanded his imprisonment. This individual possessed a long history of criminal activity, including a conviction for aggravated battery. He had been arrested thirteen times. He had received probation three times since 1993. In fact, he was in police custody on an unrelated charge when he was linked to this brutal crime.

While Carlie's Law could not have produced a different outcome in the specific case of Carlie Brucia's alleged killer, that fact should not prevent us from reviewing the federal system of probation and supervised release in order to identify and correct the clearest risks to the safety of our children. In the wake of this apparently preventable tragedy, such a task constitutes a moral imperative.

As I outlined during my testimony before the Subcommittee, current federal law limits the mandatory revocation of probation and supervised release to firearm possession and drug use and possession. Amazingly, a federal felon can commit violent crimes or sexual crimes against children and receive additional probation. While reasonable individuals may disagree concerning the appropriate limits upon judicial discretion, I am certain that you will agree with me that a law which tilts heavily toward drugs and firearms while remaining mute regarding attacks upon our children is irrational and dangerous.

I do not believe that re-conviction always mandates re-incarceration, as the exercise of judicial discretion remains preferable in many cases. Nevertheless, Carlie Brucia's brutal murder implores us to do everything in our power to protect children from violent predators who have demonstrated their propensity for abusing society's second chances. By introducing Carlie's Law, I have striven to apply the mandatory revocation of probation and supervised release to those cases that present the clearest danger.

Thank you for your detailed attention to this legislation. Through the Crime, Terrorism and Homeland Security Subcommittee's work on re-entry legislation, I am confident that we can reach a consensus that improves the effectiveness of the federal criminal justice system while providing an essential model for states to emulate.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

Katherine Harris
Member of Congress

RESPONSE TO POST-HEARING QUESTIONS FROM ASHBEL T. WALL, II

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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October 28, 2004

Subcommittee on Crime, Terrorism, and Homeland Security
ATT: Emily Newton
207 Cannon House Office Building
Washington, DC 20515

Dear Ms. Newton:

Per Chairman n Coble's letter of October 13, 2004, I am enclosing editorial changes to certain pages in the transcript of my testimony. They are minor and only grammatical in nature.

In response to the question posed by Representative Sheila Jackson Lee (enclosed), I am responding as follows:

At present, reentry funds have only been sufficient to focus on one community in our state. The first priority for funding would be continuation of the reentry services provided by the Serious Violent Offender Reentry Initiative. Current funding for case management will be exhausted by June 30, 2005.

There are a number of other cities where reentry is also a pressing issue and the goal would be the extension of reentry initiatives to these locales. Should the federal government make additional monies available, they could be directed toward expansion across the state.

The report of the reentry Policy Council sponsored by the Council of State Governments identifies a number of performance measures to be used in evaluating the success of reentry programs. These performance measures would guide our assessment of our own reentry projects.

Sincerely,

A. T. Wall

Ashbel T. Wall, II
Director

ATW:slt
Enclosure