

FEMALE D.C. CODE FELONS: UNIQUE CHALLENGES IN PRISON AND AT HOME

HEARING

BEFORE THE
SUBCOMMITTEE ON FEDERAL WORKFORCE,
POSTAL SERVICE, AND THE DISTRICT
OF COLUMBIA

OF THE

COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

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FEMALE D.C. CODE FELONS: UNIQUE CHALLENGES IN PRISON AND AT HOME

TUESDAY, JULY 27, 2010

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FEDERAL WORKFORCE, POSTAL
SERVICE, AND THE DISTRICT OF COLUMBIA,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:10 a.m. in room 2154, Rayburn House Office Building, Hon. Stephen F. Lynch (chairman of the subcommittee) presiding.

Present: Representatives Lynch, Norton, Davis, and Bilbray.

Staff present: Jill Crissman, professional staff; Aisha Elkheshin, clerk/legislative assistant; Ian Kapuza and Rohan Siddhanti, interns; William Miles, staff director; Dan Zeidman, deputy clerk/legislative assistant; Jennifer Safavian, minority chief counsel for oversight and investigations; Justin LoFranco, minority press assistant and clerk; Howard Denis, minority senior counsel; and Mitchell Kominsky, minority counsel.

Mr. LYNCH. Good morning. The Subcommittee on Federal Workplace, Postal Service, and the District of Columbia will now come to order.

I want to thank Ms. Eleanor Holmes Norton for attending. We are waiting for our ranking member. He is in another meeting. I understand that, but we will begin with the opening statements anyway.

The purpose of today's hearing is to examine the distinct challenges faced by female D.C. Code felons and what is being done to ensure their proper progression through the prison system, as well as their successful reentry back into society.

The Chair, the ranking member, and the subcommittee members will each have 5 minutes to make opening statements, and all Members will have 3 days to submit statements for the record.

Hearing no objections, so ordered.

Ladies and gentlemen, let me welcome you to the Subcommittee on the Federal Workforce, Postal Service, and the District of Columbia oversight hearing entitled, Female D.C. Code Felons: Unique Challenges in Prison and at Home. Today's hearing gives the subcommittee the opportunity to examine the distinct challenges commonly faced by female D.C. Code felons, such as regaining custody of their children, maintaining and managing complex social relationships, and generally reintegrating back into society.

There are roughly 250 female D.C. Code felons scattered up and down the East Coast in various Federal prisons. In terms of place-

ment, the Bureau of Prisons generally houses D.C. female inmates at facilities in nine States and the District of Columbia, with the majority residing in Connecticut, Pennsylvania, and West Virginia.

There are several issues that arise relating to female D.C. Code felons. These challenges range from the ease of access to Bureau of Prison programs to the difficulty of keeping D.C. Code felons connected to their families and community resources. While the subcommittee has previously explored some of these concerns as they pertain to the D.C. male offenders specifically, today's oversight hearing is intended to discuss how these issues impact D.C. female offenders.

Female D.C. Code felons face a myriad of difficult problems and different problems than do their male counterparts. For one, children play a much larger role in the lives of female offenders. Studies have shown incarcerated women exhibit high levels of attachment with their children and are more likely than men to live with their minor children, both pre- and post-incarceration. This attachment makes separation from their children one of the most damaging aspects of prison life for women. Furthermore, the lack of contact can have a profound negative effect on these women's emotional and psychological state.

In light of this finding, the Bureau of Prisons, much to their credit, has taken steps to alleviate some of these drawbacks by offering classes on parenting, managing incarceration, and increased communication. However, these services are not available at all Bureau of Prisons facilities, and certainly not at all facilities where female D.C. Code felons are housed.

After release, poverty plays a large role in many ex-felons' lives. According to a Bureau of Justice statistics report, 37 percent of female felons had incomes of less than \$600 per month prior to arrest.

In addition to economic challenges, many female felons suffer from physical abuse, sexually transmitted disease, and drug abuse; therefore, it is clear that more needs to be done to ensure the successful reentry of these women.

To that end, this hearing seeks to review the ways in which the Bureau of Prisons, the court services, and offender supervision agencies, various local agencies, and community service providers are working collaboratively to address the unique needs of female D.C. Code felons, both while imprisoned and after release.

I would like to thank my colleague, Congresswoman Eleanor Holmes Norton, for her tireless work in this policy area. The subcommittee looks forward to working with you as we continue to work with various Federal agencies tasked with the carrying out of what is traditionally a local governing function.

Again, I thank all those in attendance this afternoon, and I look forward to hearing the testimony of our witnesses.

[The prepared statement of Hon. Stephen F. Lynch follows:]

STATEMENT OF CHAIRMAN STEPHEN F. LYNCH
SUBCOMMITTEE ON FEDERAL WORKFORCE,
POSTAL SERVICE, AND THE DISTRICT OF COLUMBIA HEARING

"Female D.C. Code Felons: Unique Challenges in Prison and At Home"
Tuesday July 27th, 2010

Ladies and gentlemen, let me welcome you to the Subcommittee on Federal Workforce, Postal Service and the District of Columbia's oversight hearing, entitled "Female D.C. Code Felons: Unique Challenges in Prison and At Home." Today's hearing gives the Subcommittee the opportunity to examine the distinct challenges commonly faced by female D.C. Code felons, such as regaining custody of their children, maintaining and managing complex social relationships, and generally reintegrating back into society.

There are roughly 250 female D.C. code felons, scattered up and down the east coast in various federal prisons. In terms of placement, Bureau of Prisons generally houses D.C. female inmates at facilities in nine states and the District of Columbia, with the majority residing in Connecticut, Pennsylvania and West Virginia.

There are several issues that arise relating to female D.C. Code felons. These challenges range from ease of access to Bureau of Prison programs, to the difficulty of keeping D.C. Code felons connected to their families and community resources. While the Subcommittee has previously explored some of these concerns as they pertain to the D.C. male offenders specifically, today's oversight hearing is intended to discuss how these issues impact D.C. female offenders.

Female D.C. Code felons face a myriad of different problems than do their male counterparts. For one, children play a much larger role in the lives of female offenders. Studies show incarcerated women exhibit high levels of attachment with their children and are more likely than men to live with their minor children both pre and post incarceration. This attachment makes separation from their children among the most damaging aspects of prison-life for women. Furthermore, the lack of contact can have a profound negative effect on these women's emotional and psychological state. In light of this finding, the Bureau of Prisons, much to their credit has taken steps to alleviate some of these drawbacks by offering classes on parenting, managing incarceration and increased communication. However, these services are not available at all Bureau of Prison facilities, and certainly not at all facilities where female D.C. Code felons are housed.

After release, poverty plays a large role in many ex-felon's lives. According to a Bureau of Justice Statistics report, 37% of female felons had incomes of less than \$600 per month, prior to arrest.

In addition to economic challenges, many female felons suffer from physical abuse, sexually-transmitted diseases, and drug abuse. Therefore, it is clear that more needs to be done to ensure the successful re-entry of these women. To that end, this hearing seeks to review the ways in which the Bureau of Prisons, the Court Services and Offender Supervision Agency, various local agencies, and community service providers are working, collaboratively, to address the unique needs of female D.C. Code felons both while imprisoned and after release.

I'd like to thank my colleague, Congresswoman Eleanor Holmes Norton for her tireless work in this policy area. The Subcommittee looks forward to working with you as we continue to work with various federal agencies tasked with carrying out what is traditionally a local governing function.

Again, I thank all those in attendance this afternoon and I look forward to hearing the testimony of our witnesses.

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Mr. LYNCH. I now yield 5 minutes to Ms. Eleanor Holmes Norton for an opening statement.

Ms. NORTON. Thank you, Mr. Chairman.

I ask that the entirety of my written remarks be included in the record, in light of new developments that I would like to devote my remarks to.

Mr. Chairman, your hearings on D.C. felons in the Bureau of Prisons have been exemplary for the results they have produced. This is a particularly important hearing because it is the first hearing since the transfer of D.C. felons to BOP for women. They are small in number, but important to focus on.

Mr. Chairman, your hearings, alone, without additional language, have produced very important changes at BOP. For example, the District felons now have access to the state-of-the-art drug program at the Bureau of Prisons. This is a very important program, not because it is an excellent program, but because it affords early release for those who, in fact, complete it satisfactorily. In addition, for example, there is a new addition for a drug program at Rivers, the closest of the prisons to the District of Columbia.

Now, the Bureau of Prisons improved conditions for prisoners when Lorton closed in many ways, and BOP does valuable work and has an excellent reputation. There are real advantages to D.C. residents housed there, but there is a very serious disadvantage, and that is the distance from home. We are talking about 5,600, all told, D.C. Code felons housed in 115 facilities away from their children and families and ministers and everyone who cares for them, with no possibility that they can reach them except by phone if they are able to do so.

Now, these 115 facilities are in 33 different States. These prisoners are sent, as their number comes up, it would seem, without regard to where they are from.

In States, prisoners are far more likely to be closer to home, and therefore to all important reentry services, but if you are in Alabama or North Dakota, you are not going to get reentry services, even though BOP has important services while you are in prison.

From the point of view of District residents, the importance of reentry before our residents who are in prison hit the streets has to do with, among other things, recidivism and preparation for a life that is no longer subject to prison. But most of our inmates have no access to what could be called reentry services until they cross the District line, with or without housing, having not seen their families sometimes for years.

We have not been able to measure the effect this particular distance from home has on recidivism, but nobody in this field would say that there would not be a significant effect with no reentry services available until post-prison.

The BOP is a Federal facility. Congress charged the BOP for the first time with housing State prisoners. The BOP has done well, but with your hearings, Mr. Chairman, we have seen the recasting of some of what BOP has done, such as the drug program, to accommodate these State prisoners.

Our greatest challenge now is to make sure this recasting goes the whole distance. We have just learned that the BOP has responded in a very significant way on two issues. We were very con-

cerned, Mr. Chairman, that juveniles convicted as adults were sent as far away as North Dakota.

Now, these are children still, and at age 18 they are going into a BOP facility. But these children could be as young as, I believe, 14. So to take these children that far from home to as distant a State as you can find, with no access to their parents, loved ones, or anyone else, is almost to presage what is going to occur to children hardened so early.

We make no excuses for the terrible crimes they have committed, but we don't need to commit a crime against them in return by not treating them as children in at least some ways while they are still children.

I want to commend Director Lappin and I guess it is Mr. Brown of the D.C. Department of Corrections for a memorandum of understanding that will keep youth who have been convicted as adults in the District jail until these young people are ready to go to the Bureau of Prisons. This is a very important change, and I want to personally thank Mr. Lappin even before his testimony for his movement in this direction. Some of this was discussed at our last hearing. It is a very important result.

In addition, Mr. Chairman, we have learned that the Bureau will transfer the first 200 D.C. felons to the custody of the D.C. Department of Corrections 90 days before the expiration of their sentences will send them home in order to allow them to have access to reentry services. I cannot thank the director enough for this change.

What this means is that these D.C. residents will have access to D.C. jail services, which are quite extensive. They include educational programs leading through the GED. Of course, we have that at BOP. There is a drug rehabilitation and residential substance abuse program there. There is HIV counseling and treatment. There is comprehensive medical services.

Using a community model in the jail, there is a reentry unit, a special unit called LINK. There is a job readiness program. There is a permanent housing program that is connected with the university legal services and fuse projects. There is a mental health program in conjunction with the Department of Mental Health of the District of Columbia. There is a trans-gender program, and there is a juvenile program.

Mr. Chairman, I do want to say that the D.C. jail, I have always indicated that I thought that the BOP was a particularly excellent facility. I want to indicate that the D.C. jail also is. The D.C. jail is accredited by the American Correctional Association, the National Commission on Correctional Health Care. It has the largest number of correctional officers who hold the credential of the ACA professional certification program. The D.C. jail has received the exemplary program award of the ACA in 2009 and 2008.

So I think what we will have is our residents who are now at BOP transferred from one excellent facility to another 90 days before their true reentry so that they can reenter civil society and the District of Columbia prepared to move forward in a new life.

I thank you very much, Mr. Chairman. I thank the BOP in advance. And, of course, I thank the D.C. jail for its cooperation.

[The prepared statement of Hon. Eleanor Holmes Norton follows:]

**OPENING STATEMENT OF
ELEANOR HOLMES NORTON
HOUSE SUBCOMMITTEE ON FEDERAL WORKFORCE, POSTAL SERVICE, AND
THE DISTRICT OF COLUMBIA**

“FEMALE D.C. CODE FELONS: UNIQUE CHALLENGES IN PRISON AND AT HOME”

July 27, 2010

I want to thank Chairman Stephen Lynch for his willingness to schedule another important hearing examining how the federal Bureau of Prisons (BOP), the Court Services and Offender Supervision Agency for the District of Columbia (CSOSA), and other agencies, as well as community service providers, can better meet the unique needs of D.C. Code felons. This hearing on the challenges female D.C. Code felons face during incarceration and after release is the first to be held on female D.C. Code felons since responsibility for them was transferred to the federal government in 1998. This hearing is critical to understanding how the needs of female D.C. Code felons differ from their male counterparts.

The federal government assumed a number of the District’s criminal justice functions and costs when Congress passed the National Capital Revitalization and Self-Government Improvement Act of 1997 (Revitalization Act). As a result, the federal government now plays a critical role in housing and rehabilitating D.C. Code felons. The Revitalization Act directed the

District to close its Lorton Correctional Complex and gave the BOP responsibility for incarcerating D.C. Code felons. Today, approximately 5,600 D.C. Code felons are housed in 115 facilities, which are located in 33 states and the District of Columbia. Of these 5,600 D.C. Code felons, 248 are women.

In transferring state felons to federal custody for the first time in U.S. history, Congress challenged the BOP to accommodate state inmates sentenced under local law. D.C. Code felons account for the only large and permanent cohort of state inmates in the federal prison system. The Subcommittee wants to assist the BOP in securing the advantages and overcoming the possible disadvantages of this unique arrangement. It is important to remember that best practices indicate that all elements of the criminal justice system should work together from the day an offender enters prison through post-release supervision. However, because of the unique relationship between the District of Columbia, a local jurisdiction, and the BOP, a federal agency, it will take special efforts for D.C. agencies and the BOP and other federal agencies to effectively coordinate such unprecedented efforts.

Today, we will hear from the actual experts, look to the data and research on female prisoners, and examine their application to female D.C. Code felons. While scholars have long supported gender-specific programming, services, and policies, the correctional system has relied on a male offender model. As a result, the correctional system sometimes fails to provide female offenders with programming that is specific to their needs.

Male and female offenders have many similar rehabilitation needs—for example, substance abuse and mental health treatment, vocational training, and educational, employment and housing assistance—but the degree or intensity of those needs and the ways in which they should be addressed by the criminal justice system are different. Because of women's unique substance abuse and mental health issues, the likelihood that female offenders will be the primary caregiver to a minor child or children, and the fact that female offenders often lack job skills or a history of stable employment, the correctional system model, based on male paths to crime, used to structure programming for female offenders, is inadequate. To that end, this hearing seeks to investigate the ways in which the BOP, CSOSA, and other federal agencies, as

well as community service providers, meet the unique needs of female D.C. Code felons both during incarceration and after release.

This hearing is particularly important because it will give the subcommittee the opportunity to hear first-hand from federal officials, experts, and residents transitioning back into society. We welcome Harley G. Lappin, Director, the BOP; Adrienne Poteat, Deputy Director, CSOSA; Ashley McSwain, Executive Director, Our Place DC; Nancy LaVigne, Director, the Urban Institute's Justice Policy Center; Juanita Bennett, previously incarcerated, BOP; and Zandononi Day, previously incarcerated, BOP. We thank you for appearing today, and look forward to testimony from each of you.

Mr. LYNCH. I thank the gentlelady.

The Chair recognizes the distinguished gentleman from Illinois, Mr. Davis, for 5 minutes.

Mr. DAVIS. Thank you very much, Mr. Chairman.

Let me first of all thank Representative Norton for introducing this legislation. While it is specific to the District of Columbia, it really has implications for the entirety of America. So while we might be talking about the District of Columbia, the policies and practices relate in a big way to the entire country.

I also want to commend Director Lappin for his sensitivities as we continue to approach changing environments, changing needs, changing problems, and the reality that this is much more of a problem and an issue than it might have been a decade ago or 20 years ago, and so change is absolutely needed.

I also want to commend you, Mr. Chairman, for holding this hearing and for the hearings that you have held prior to now. Many people know that I consider the whole question of criminal justice and how we handle it as one of the major problems facing all of America, but especially urban America, and especially African American communities where you find the greatest preponderance of individuals who end up being incarcerated.

I think that the specifics of looking at female entry and, of course, we know that African American women happen to be the fastest-growing part of the prison population in America. We also know that, notwithstanding the fact that the overall African American population in the country is probably about 15 percent, but more than 50 percent of all of the individuals who are incarcerated in America are African Americans. And we know that African American males are off the chart.

So the issues that get raised in this kind of hearing don't, as I indicated, just relate in a real sense to the District of Columbia. The questions that I get from people all the time happen to deal with the issue of how far away their relatives are. While you wouldn't be as far away in a State—

Ms. NORTON. At least in the State.

Mr. DAVIS. But that is a question I must get every week, at least 20, 30 people who want to know if there is some way that they can get their relatives closer to home for any number of reasons.

So I think that as we remove some of the barriers to reentry—and this is the very important part—if we are going to reduce the overall prison population, we are going to have to reduce the rate of recidivism, and the more barriers that we can reduce that prevent people from having successful reentry experiences, the more impact we have on our overall system.

Again I want to thank you for your legislation. I want to thank the chairman for holding this hearing. And my commendations to not only Mr. Lappin, but I see there are other members of the panel that we have had before us, and I want to commend you for the work that you are doing.

I yield back.

Mr. LYNCH. I thank the gentleman.

The Chair now recognizes the gentleman from California, Mr. Bilbray, for 5 minutes.

Mr. BILBRAY. Thank you, Mr. Chairman.

Mr. Chairman, I ask for unanimous consent to introduce into the record my written statement.

Mr. LYNCH. Without objection, so ordered.

Mr. BILBRAY. Thank you, Mr. Chairman.

I appreciate being here. Mr. Chairman, you know, we sometimes talk about the unique opportunity we have with our representative form of government, and I think we grossly under-estimate how much of a contribution our diverse backgrounds in Congress and any type of representative government brings to it, not just situations of our past professional experience.

I mean, I operated a detention facility for a county of three million people. A lot of experience there. The flip side was my staff, when I was chairman of the county, always pointed out that every time I visited the detention facilities I knew half the people running the place and half of them that were in there.

But coming from a working class background, it does bring experience that a lot of our more affluent friends may not get, have not learned. When I look at this item, it really strikes home in a lot of ways.

Mr. Chairman, I have to apologize. I just came back from my 40th reunion, high school reunion. Going through the years of watching my colleagues that I went to school with and how they went into the criminal justice system and how many got in trouble right out of school, if not even while they were in school, frankly, I have to tell you, over the years I was very pessimistic about the entire concept that once you are in the system can you ever get out.

But I would just like to add an optimistic note here. At a ripe old age, ready to face 60 years old, and watching my colleagues who were in and out of the system for years, I am very impressed with how many people that I thought would never get out of the system are successful, independent, family based. So I am much more optimistic at this age than I was at a younger age.

I guess, as Bob Dylan once said, that was so much longer ago, I was so much older then. I have to say that I hope, especially those of us who have been challenged, gifted with the tougher times in our neighborhoods than some people have, that we try to take that experience and be practical about it. I think the biggest thing that comes out is the ability to separate yourself from those elements in your past that have helped lead you astray.

But also that economic independence, that a good job, a feeling of success and economic opportunity brings, and hopefully working at helping people out of the spiraling problem of always being pulled back into the same negative components of our community and moving toward a positive, because I just tell you there are more individuals I see that I thought would never get out of an institution who are actually educating, coaching, involved. Some of them are very successful, even during these tough times of unemployment, helping friends that have never known unemployment actually know how to handle it.

I think that hopefully we will be able to learn from the panel today about how D.C. is addressing this issue, how the Nation's capital, with all its great challenges, is addressing this, especially when it comes to a population that we ignore for too much, and that is girls and ladies and women are in the system too, but they

do not get the attention that we give the male counterparts. Hopefully, this hearing will help us to avoid that problem in the future.

I yield back.

[The prepared statement of Hon. Brian P. Bilbray follows:]

**OPENING STATEMENT OF
BRIAN BILBRAY
DEPUTY RANKING MEMBER
SUBCOMMITTEE ON FEDERAL WORKFORCE, POSTAL
SERVICE, AND THE
DISTRICT OF COLUMBIA
HEARING: "FEMALE D.C. CODE FELONS: UNIQUE
CHALLENGES IN PRISON AND AT HOME"
JULY 27, 2010**

Thank you Mr. Chairman for holding this hearing.

- In 2001, The Revitalization Act transferred responsibility of D.C. Code felons from the District of Columbia to the federal government. I understand this reform was much needed and a high priority for the local congressional delegation because of the extremely sub-par conditions at the Lorton facility. In transferring inmates, the District of Columbia got safer, newer facilities at no cost to the city.
- But the policy of housing D.C. code felons outside the District has created some unique challenges. Some of these problems, which this Subcommittee continues to examine, include inadequate prison rehabilitation programs, significant recidivism, and problems caused by location of where D.C. felons are housed.
- Today, I look forward to discussing how we can help female D.C. code prisoners when they reenter society.
- In particular, I remain interested in how the Bureau of Prisons and the Court Services and Offender Supervision Agency work together to reduce recidivism. We all want female ex-offenders to return safely to their communities.
- It is also clear that released offenders can best succeed if they are sober, employed, and have a place to live. Otherwise, they are highly likely to go through the revolving door of the criminal justice system.
- To be sure, employment is critical in reducing recidivism. CSOSA (SEE-SO-SUH) reported last year that 52 percent of court supervised

ex-offenders, more than 7,800 people, were unemployed. While unemployment is not unique to female ex-offenders, it is a key ingredient to their successful rehabilitation. As a result, today's discussion should focus on ways to increase employment among female offenders following their release.

- **Likewise, I look forward to hearing how current programs are helping female offenders to maintain family ties and cultivate parenting skills. Family stability is critical to a successful post-release.**
- **Thank you again Mr. Chairman.**
- **I look forward to hearing from our witnesses.**

Mr. LYNCH. I thank the gentleman.

I also want to thank the members of the panel for coming before this committee and helping us with our work.

It is the custom of this committee to ask all witnesses who are to offer testimony to be sworn. May I ask you to please stand and raise your right hands.

[Witnesses sworn.]

Mr. LYNCH. Thank you. Let the record show that all of the witnesses have answered in the affirmative.

I am going to actually read a brief introduction of each of our witnesses.

Mr. Harley Lappin has served as Director for the Federal Bureau of Prisons since April 4, 2003. A career public administrator in the Federal Bureau of Prisons, Mr. Lappin is responsible for the oversight and management of the Bureau's 115 institutions, and for the safety and security of more than 210,000 inmates under the agency's jurisdiction.

Ms. Adrienne Poteat serves as the agency head of the Court Services and Offender Supervision Agency [CSOSA], for the District of Columbia. In this position, Ms. Poteat oversees a Federal agency of nearly 1,300 employees which was created by the D.C. Revitalization Act of 1997 to improve public safety through active community monitoring and supervision of ex-offenders.

Ms. Nancy LaVigne is the current director of the Justice Policy Center at the Urban Institute. Ms. LaVigne is an expert on crime prevention and prisoner reentry and is the founding Director of the U.S. Department of Justice's mapping and analysis for public safety program.

Ms. Ashley McSwain is currently the executive director of Our Place D.C. She holds a master of social work from Temple University and a master of organizational development from American University National Training Laboratories program. She has worked in the human services field for over 20 years.

Ms. Zandononi Day is an ex-offender and has served her time fully. She is currently employed by Liberty Tax Service located in Temple Hills, MD. Liberty Tax Service is an income tax prep service with multiple locations throughout the State of Maryland.

Ms. Juanita Bennett is an ex-offender. She is currently under supervised release and is unemployed. She has served her time fully and is currently volunteering at Our Place D.C. Our Place is considering her for employment.

Welcome all. To some, Mr. Lappin, Ms. Poteat, and Ms. LaVigne, welcome back. I think you have testified at least a couple of times before this committee, and we appreciate your involvement.

Now we are going to have opening statements from the panel. To begin, Mr. Lappin, you are now recognized for 5 minutes for an opening statement.

STATEMENTS OF HARLEY LAPPIN, FEDERAL BUREAU OF PRISONS; ADRIENNE POTEAT, COURT SERVICES AND OFFENDER SUPERVISION AGENCY; NANCY LA VIGNE, JUSTICE POLICY CENTER, THE URBAN INSTITUTE; ASHLEY MCSWAIN, OUR PLACE; ZANDONONI DAY, EX-OFFENDER; AND JUANITA BENNETT, EX-OFFENDER

STATEMENT OF HARLEY LAPPIN

Mr. LAPPIN. Good morning, Chairman Lynch and members of the subcommittee. I appreciate the opportunity to appear before you to discuss programming and reentry for female D.C. offenders in the custody of the Bureau of Prisons.

Before I get into my comments, let me just thank all of you. There is nothing prison administrators like more than people like you in leadership positions taking such an interest in reentry. Believe you me, it is long overdue.

It was about 5 or 6 years ago that many of you took such an interest, and, believe you me, we are feeling the impact, because at the end of the day, as we release 42,000 inmates a year back into our communities, there is nothing that satisfies us more than to see fewer of them coming back to prison, living normal lives, taking care of their family, have a job, and pay taxes just like the rest of us.

So, again, we appreciate your support of this important issue.

The Bureau of Prisons is responsible for the incarceration of almost 14,000 female offenders. Approximately 220 of these are female D.C. Code offenders. While the number of D.C. Code offenders is quite small compared to our entire population, we remain mindful of our unique role in the District of Columbia, and we devote substantial resources to meet the needs of these offenders.

Female offenders, as you referenced, Mr. Chairman, present different challenges than their male counterparts. They have higher rates of mental disorders and higher rates of drug and alcohol use. Histories of physical and sexual abuse and trauma are quite prevalent.

Finally, female offenders are often single parents. In such cases, their incarceration means that their minor children are left to be raised by extended family members or foster families. Those caring for the children may lack the resources or ability to visit the incarcerated mother on a regular basis.

We have 28 facilities that house female offenders. Of these, eight are Bureau of Prisons facilities that house D.C. female offenders. We also house D.C. female offenders in the D.C. jail, Fairview Residential Reentry Center, and the Maryland Department of Corrections.

Crowding in the Federal prisons across the country has had a profound impact on our inmate designation process. We have experienced significant increases in inmate population over the last two decades. The Bureau of Prisons is currently operating 37 percent over rated capacity system-wide, with our secure female facilities operating at 52 percent over capacity.

We remain committed to the goal of housing the majority of the female D.C. Code offenders within 500 miles of the District, and we have been quite successful in meeting this goal.

Currently, almost 82 percent of the female D.C. Code offenders are confined in institutions within 250 miles of the District, primarily at FDC Philadelphia, PA; the secure female facility in Hazelton, WV; the Federal prison camp in Alderson, WV; the Federal correctional institution in Danbury, CT.

Inmates with significant medical needs requiring hospitalization are housed at our only Federal medical center for females in Carswell, Texas. While this facility provides state-of-the-art care for our seriously ill female offenders, it is over 1,200 miles from the District of Columbia.

We offer many programs for our female offenders, including prison industries and other institution jobs, education, vocational training, substance abuse treatment, observance of faith and religion, psychological services, counseling, release preparation, and other programs that impact essential life skills. We also provide structured activities designed to teach inmates productive ways to use their time.

Regarding specific female offender needs, we have enhanced staffing of our psychology services programs at our female institutions to meet the increased needs of the mental health services for female offenders. At 11 Bureau of Prisons facilities we offer the resolve program, a cognitive behavior workshop and treatment program to address trauma related mental health needs for female offenders.

Our Mothers and Infants Nurturing Together program is a residential program for pregnant females that provides parenting skills and prenatal care, followed by a bonding period for the mother and infant. The program is available at seven sites, including West Virginia and Connecticut.

Mindful of our role as the State Department of Corrections for the District, we emphasize specialized programming and opportunities for D.C. offenders that will help facilitate their successful reentry. In addition to our ongoing reentry programming, we have engaged in a fruitful partnership with Our Place D.C. to assist female D.C. offenders to successfully transition back to the District. Our Place collaborates with BOP and FDC Philadelphia, the female facility in Hazelton, and the Fairview residential reentry center where our female D.C. Code offenders transition through the residential reentry center program.

Finally, we continue to collaborate with Court Services and Offender Supervision Agency on transitional issues.

Chairman Lynch, again, it is my pleasure to be here. I look forward to answering any questions you may have.

[The prepared statement of Mr. Lappin follows.]



Department of Justice

STATEMENT OF

HARLEY G. LAPPIN
DIRECTOR
FEDERAL BUREAU OF PRISONS

BEFORE THE

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
SUBCOMMITTEE ON FEDERAL WORKFORCE, POSTAL SERVICE, AND
THE DISTRICT OF COLUMBIA
UNITED STATES HOUSE OF REPRESENTATIVES

ENTITLED

“FEMALE D.C. CODE FELONS:
UNIQUE CHALLENGES IN PRISON AND AT HOME”

PRESENTED

JULY 27, 2010

**Statement of Harley G. Lappin, Director
Federal Bureau of Prisons
Before the U.S. House Oversight and Government Reform Subcommittee on Federal
Workforce, Postal Service, and the District of Columbia Subcommittee
July 27, 2010**

Good morning Chairman Lynch and Members of the Subcommittee. I appreciate the opportunity to appear before you today to discuss the programming and reentry for female D.C. Code felons in the custody of the Bureau of Prisons (BOP).

As the nation's largest corrections system, the BOP is responsible for the incarceration of more than 211,000 inmates, including almost 14,000 female offenders; 234 of these are female D.C. Code offenders. While the number of female D.C. Code offenders is quite small compared to our entire population, we remain mindful of our unique role as the "State Department of Corrections" for the District of Columbia, thus devote substantial resources to meet the unique needs of these offenders.

The mission of the BOP is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and provide inmates with a range of work and other self-improvement programs that will help them adopt a crime-free lifestyle upon their return to the community. We recognize that the post-release success of offenders is as important to public safety as inmates' secure incarceration. The two parts of our mission are closely related – prisons must be secure, orderly, and safe for our staff to be able to supervise work details, provide training, conduct classes, and carry out treatment. Inmates who are productively occupied in appropriate correctional programs are less likely to engage in misconduct and violent or disruptive behavior.

Federal Inmate Population

As noted above, the BOP is responsible for the incarceration of more than 211,000 inmates. This figure represents primarily offenders who have committed Federal crimes and, based on the National Capital Area Revitalization Act of 1997, also includes felons convicted of violating D.C. statutes. We have experienced significant increases in the inmate population in the last 2 decades. While we are no longer experiencing the dramatic population increases of between 10,000 and 11,400 inmates per year that occurred from 1998 to 2001, the increases are still significant and include average annual net increases of 5,000-7,000 inmates per year for the last 5 fiscal years (from 2003 to 2008). We expect these increases to continue over the next several years, reaching a total of 226,000 by the end of fiscal year 2012.

Currently, the BOP confines approximately 172,925 inmates in 115 facilities with a total rated capacity of 126,148 beds. Systemwide, the BOP is operating at 37 percent over its rated capacity. Crowding is of special concern at higher security facilities including penitentiaries (operating at 53 percent over capacity) and our Secure Female Facilities (operating at 52 percent over capacity). The BOP has managed severe crowding by double bunking throughout the system -- 93 percent of all high-security cells and 100 percent of all medium-security cells are double-bunked. In addition, approximately 15 percent of all medium-security cells are triple-bunked or inmates are being housed in space that was not designed for inmate housing. At the same time, staffing levels have declined substantially over the past 10-15 years. In 1997, our staff-to-inmate ratio was 3.57, which is comparable to most state Departments of Corrections. However, at the end of Fiscal Year 2009, our staff-to-inmate ratio had risen to almost 5.0.

Preparing inmates for reentry into the community, including implementing the requirements of the Second Chance Act, is a high priority for the BOP. But we are limited in our ability to attend to this priority due to the high level of crowding and constrained level of staffing in our institutions. The combination of elevated crowding and constrained staffing has limited our ability to provide all inmates with the necessary range of programs that provide the job skills and life skills necessary to prepare them fully for a successful reentry into the community.

Crowding also affects inmates' access to important services (such as medical care and food services), an institution's infrastructure (the physical plant and security systems), and inmates' basic necessities (access to toilets, showers, telephones, and recreation equipment). Correctional administrators agree that crowded prisons result in greater tension, frustration, and anger among the inmate population, which leads to conflicts and violence.

In 2005, the BOP performed a rigorous analysis of the effects of crowding and staffing on inmate rates of violence. Data was used from all low-security, medium-security, and high-security BOP facilities for male inmates for the period July 1996 through December 2004. We accounted for a variety of factors known to influence the rate of violence and, in this way, were able to isolate and review the impact that crowding and the inmate-to-staff ratio had on serious assaults. This study found that both the inmate-to-staff ratio and the rate of crowding at an institution (the number of inmates relative to the institution's rated capacity) are important factors that affect the rate of serious inmate assaults.

The analysis revealed that a one percentage point increase in a facility's inmate population over its rated capacity corresponds with an increase in the prison's annual serious assault rate by 4.09 per 5,000 inmates; and an increase of one inmate in an institution's inmate-to-custody-staff ratio increases the prison's annual serious assault rate by approximately 4.5 per 5,000 inmates. The

results demonstrate through sound empirical research that there is a direct relationship between resources (bed space and staffing) and institution safety.

In the past, we have been able to take a variety of steps to mitigate some of the effects of crowding in our facilities. For example, we have improved the architectural design of our newer facilities and have taken advantage of improved technologies in security measures such as perimeter security systems, surveillance cameras, and equipment to monitor communications. These technologies support BOP employees' ability to provide inmates the supervision they need in order to maintain security and safety in our institutions. We have also enhanced population management and inmate supervision strategies in areas such as classification and designation, intelligence gathering, gang management, use of preemptive lockdowns, and controlled movement. We have, however, reached a threshold with regard to our efforts, and are facing serious problems with inmate crowding.

Inmate Designations

The BOP places inmates in facilities based on their security and program needs using a validated classification system that employs objective criteria and also allows for professional judgment. We recognize that separation from family and community is an unfortunate consequence of incarceration. Thus, our policy is to initially designate each inmate in the lowest security level facility possible given his/her security and program needs, and at a facility that is reasonably close to the anticipated release area (ordinarily considered placement within 500 miles of the inmate's release residence). We are not always able to meet this objective due to the extreme crowding the BOP has been experiencing in recent years and because, at times, there may not be an institution within 500 miles that matches the inmate's security and program requirements.

Additionally, there are times when designation decisions are substantially impacted by the need to separate specific inmates based on one having testified against the other or other behaviors. In such instances one of the separatees may have to be confined at a facility that is outside of the 500-mile radius. Finally, an inmate may have special needs (such as medical treatment) that cannot be addressed at an institution within 500 miles.

In order to provide appropriate and necessary medical and mental health treatment to the inmate population, the BOP assigns "Care Levels" (1 through 4) to each inmate. These assignments are based upon the level of care that each inmate requires to effectively meet their medical and mental health needs. Moreover, each institution is classified by Care Level according to staffing structure, community health resources, and community sub-specialists available. There are times when an inmate's Care Level will require his/her placement at a facility that is greater than 500 miles from home. For example, the BOP has only one Federal Medical Center (or prison

hospital) for females – FMC Carswell, Texas. While this medical facility provides state of the art care for our seriously ill female offenders, it is over 1200 miles from the District of Columbia.

Inmates undergo periodic reviews (every six months, and every three months within their final year in prison) with BOP staff to assess all aspects of their incarceration, to include their designation. Based on this review and security and safety considerations, if deemed appropriate and if bed space is available, the BOP will transfer an inmate who is more than 500 miles from his release residence to a facility closer to his/her home and family. Inmates may also be transferred to a facility that is greater than 500 miles from their release residence based upon misconduct, medical needs, or other programming needs (e.g., drug programming bedspace).

The Female Offender Population

Given our decades of experience, we know that female offenders present with very different challenges than their male counterparts. Female offenders have higher rates of mental disorders and higher rates of drug and alcohol use. Histories of physical and sexual abuse and trauma are quite prevalent. Finally, female offenders are often single parents. Their incarceration frequently means that their minor children are left to be raised by extended family members or by foster families – individuals who may not have the resources or ability to frequently visit the incarcerated mother.

The BOP has 28 facilities that house female offenders – 20 of those are mixed population facilities with small cadres of females housed in satellite prison camps or in units separate from the male offenders (primarily hold-over, pre-trial, or pre-sentence status at our Administrative facilities). Eight facilities house solely female offenders – they are located in Alderson, West Virginia; Danbury, Connecticut; Hazelton, West Virginia; Bryan, Texas; Carswell, Texas; Waseca, Minnesota; Tallahassee, Florida; and Dublin, California. We also have a small number of beds available for females who volunteer for placement with the Maryland Department of Corrections in Jessup, Maryland.

Despite the challenges we face with respect to crowding and its impact upon designations, we remain committed to the goal of housing the majority of female D.C. Code offenders within 500 miles of the District, and we have been quite successful in meeting this goal. Currently, almost 82 percent of female D.C. Code offenders are confined in institutions within about 250 miles of the District, primarily at FDC Philadelphia, Pennsylvania; SFF Hazelton, West Virginia, FPC Alderson, West Virginia; and FCI Danbury, Connecticut. Clearly, inmates with significant medical needs requiring hospitalization will still need to be housed further from D.C. than is optimal. Additionally, in the past a very small number of female offenders were housed outside

the 500 mile radius to participate in Residential Drug Abuse Programming. However, we have expanded RDAP capacity and are hopeful that we will soon be able to accommodate all female D.C. Code RDAP participants within 500 miles of the District.

Because we recognize how important it is for inmates to maintain contact with their family and friends while in prison, we provide several options for community contact at all of our institutions. The BOP authorizes inmates to have in-person visits, and permits the controlled use of the telephone, the postal service, and secure, monitored electronic messaging. The vast majority of our female offenders will release to the community, and those who have ties to their family and community are more likely to become law abiding citizens than those who do not. Moreover, offenders' families often provide substantial support to the releasing prisoners regarding important needs such as housing and employment.

Inmate Programming and Reentry

Many inmates enter our custody with substantial skill deficits, limited education, limited work history, and myriad behavioral and emotional issues. Female D.C. Code inmates are no exception. Virtually all of our inmates will be released back to the community at some point. We know that they need job skills, vocational training, education, counseling, and other assistance (such as drug abuse treatment, anger management, and parenting skills) if they are to successfully reenter society. We try to address these needs beginning in the first days of an inmate's incarceration. Every Federal prison offers inmate programs that stress the development of work skills and life skills needed to enhance employment upon release and to help inmates maintain a crime-free lifestyle. These programs include work, education, vocational training, substance abuse treatment, observance of faith and religion, psychological services and counseling, and release preparation. We also provide other structured activities designed to teach inmates productive ways to use their time.

Based upon specific female offender needs, we have staffed Psychology Services at our female institutions more richly to meet the increased need for mental health services. In addition, we offer several programs that target the unique needs of female inmates.

Mothers and Infants Nurturing Together (MINT): MINT is a Residential Reentry Center-based program to promote prenatal programming and parenting skills for pregnant inmates, and promotes bonding and continued parenting skill-building following the birth of the child. Women are eligible to enter the program during the last three months of their pregnancy, and can remain for more than 6 months after delivery. In addition to pre- and post-natal programming, MINT offers chemical dependency treatment, physical and sexual abuse counseling, budgeting classes, and vocational and educational programming. We currently have MINT in seven sites across the country, to include West Virginia and Connecticut.

Resolve Program: The Resolve Program is a cognitive-behavioral workshop and non-residential treatment program that addresses trauma-related mental health needs for female offenders. This program, developed in consultation with the nation's leading female trauma experts, is available at 11 BOP facilities (including SFF Hazelton, FCI Danbury, and FPC Alderson). The program not only seeks to decrease the incidence of trauma related psychological disorders and improve level of functioning, but also targets increasing the effectiveness of other treatments (e.g., RDAP), reducing institutional misconduct, and reducing recidivism.

The BOP also offers numerous evidence-based programs throughout our facilities that target re-entry skills; rigorous research has demonstrated the recidivism reducing effectiveness of these programs. Inmates who participate in programs are less likely to commit future crimes; inmates who participate in Federal Prison Industries (FPI) are 24 percent less likely to recidivate; inmates who participate in vocational or occupational training are 33 percent less likely to recidivate; inmates who participate in education programs are 16 percent less likely to recidivate; and inmates who complete the residential drug abuse treatment program are 16 percent less likely to recidivate and 15 percent less likely to relapse to drug use within 3 years after release.

Work Programs: Prison work programs teach inmates occupational skills and instill in offenders sound and lasting work habits and a work ethic. All sentenced inmates in Federal correctional institutions are required to work (with the exception of those who for security, educational, or medical reasons are unable to do so). Most inmates are assigned to an institution job such as food service worker, orderly, painter, warehouse worker, or groundskeeper. We want to have inmates involved in meaningful work programs; but unfortunately, we have a limited number of these jobs. Increased crowding has made it very difficult to keep all inmates working in full-day job assignments. The waiting lists for other inmate programs continue to grow as our staffing levels remain lower than necessary to maintain adequate program opportunities for inmates.

Federal Prisons Industries (FPI) is the BOP's most important correctional program because it has been proven to substantially reduce recidivism and does not require appropriated funds. FPI provides inmates the opportunity to gain marketable work skills and a general work ethic -- both of which can lead to viable, sustained employment upon release. It also keeps them productively occupied; inmates who participate in FPI are substantially less likely to engage in misconduct.

FPI's inmate worker levels and earnings have dropped significantly in fiscal years 2008, 2009 and 2010 due to various legislative provisions that have weakened FPI's standing in the Federal procurement process, along with the downturn in the economy and the significant reduction of products needed to support the war. As a consequence, we closed or downsized 19 FPI factories and are now in the process of closing or downsizing an additional 20 FPI factories. We have lost

6,000 inmate jobs in just one year. Additionally, FPI has reduced the number of work hours for many of the inmates, a practice that began several months ago to further reduce costs.

FPI is exploring means to expand its operations, thereby increasing opportunities for inmates to work in FPI and gain essential skills and training. We expect that new legislation will be necessary to allow for such expansions.

Education, Vocational Training, and Occupational Training: The BOP offers a variety of programs for inmates to enhance their education and to acquire skills to help them obtain employment after release. All institutions offer literacy classes, English as a Second Language, adult continuing education, parenting classes, recreation activities, wellness education, and library services.

With a few exceptions, inmates who do not have a high school diploma or a General Educational Development (GED) certificate must participate in the literacy program for a minimum of 240 hours or until they obtain the GED. The English as a Second Language program enables inmates with limited proficiency in English to improve their English language skills. We also facilitate vocational training and occupationally-oriented higher education programs. Many institutions offer inmates the opportunity to enroll in and pay for more traditional college courses that could lead to a bachelor's degree.

Occupational and vocational training programs are based on the needs of the specific institution's inmate population, general labor market conditions, and institution labor force needs. On-the-job training is afforded to inmates through formal apprenticeship programs, institution job assignments, and work in the FPI program.

Substance Abuse Treatment: The BOP is mandated by statute (18 U.S.C. § 3621(b)) to provide drug abuse treatment to inmates. Our substance abuse treatment program includes drug education, non-residential drug abuse treatment, residential drug abuse treatment, and community transition drug abuse treatment.

Drug abuse education is available in all BOP facilities. Drug abuse education provides inmates with information on the relationship between drugs and crime and the impact of drug use on the individual, his or her family, and the community. Drug abuse education is designed to motivate appropriate offenders to participate in nonresidential or residential drug abuse treatment, as identified and referred by the drug abuse treatment staff.

Non-residential drug abuse treatment is also available in every BOP institution. It is based on the cognitive behavioral therapy model of treatment and focuses on criminal and drug-using risk

factors such as antisocial and pro-criminal attitudes, values, beliefs, and behaviors and replacing them with pro-social alternatives.

The BOP is required to provide residential drug abuse treatment to all inmates who are eligible for the program. The foundation for residential drug abuse treatment is the cognitive behavior therapy treatment model, which targets offenders' major criminal and drug-using risk factors. The program is geared toward reducing anti-social peer associations; promoting positive relationships; increasing self-control, self-management, and problem solving skills; ending drug use; and replacing lying and aggression with pro-social alternatives.

Participants in the residential drug abuse treatment program live together in a unit reserved for drug abuse treatment in order to minimize any negative effects of interaction with the general inmate population. Residential drug abuse treatment, which generally requires 9 to 12 months to complete, is provided toward the end of the sentence in order to maximize its positive impact on soon-to-be-released inmates. The residential drug abuse treatment program is available in 8 of our female facilities, to include FPC Alderson, FCI Danbury, and FMC Lexington, Kentucky.

Drug abuse treatment in the BOP includes a community transition drug abuse treatment component to help ensure a seamless transition from the institution to the community. The BOP provides a treatment summary to the Residential Reentry Center (RRC) where the inmate will complete the final phase of treatment, to the community-based provider who will work with the inmate while at RRC, and to the U.S. Probation Office, or the Court Services and Offender Supervision Agency (CSOSA) for DC offenders, before the inmate's arrival at the RRC. Participants in community transition drug abuse treatment often continue treatment with the same treatment provider during their period of supervised release after they leave BOP custody.

Life Connections and Threshold: The Life Connections Program is a residential multi-faith-based program that provides the opportunity for inmates to deepen their spiritual life and assist in their ability to successfully reintegrate following release from prison. FMC Carswell is the site of our female Life Connections Program. Our Office of Research and Evaluation has completed several analyses of the program and found a reduction in serious institution misconduct among program participants. The Office of Research will next assess the effect of the program on recidivism, once a sufficient number of graduates have been released for at least 3 years.

In fiscal year 2008, we initiated a non-residential faith-based reentry program known as Threshold. This program embraces the same principles as the Life Connections Program and targets inmates who have less than 2 years of time remaining on their sentence. Threshold currently operates in 27 institutions, to include new programs opening at FCI Danbury and FDC Philadelphia later this year.

Inmate Skills Development: Our Inmate Skills Development initiative unifies our inmate programs and services into a comprehensive reentry strategy. The three principles of the Inmate Skills Development initiative are: (1) inmate participation in programs must be linked to the development of relevant inmate reentry skills; (2) inmates should acquire or improve a skill identified through a comprehensive assessment, rather than simply completing a program; and (3) resources are allocated to target inmates with a high risk for reentry failure. The initiative includes a comprehensive assessment of inmates' strengths and deficiencies in nine core areas, and allows us to meet the important reentry goals required by the Second Chance Act. This critical information is updated throughout an inmate's incarceration and is provided to probation officers as inmates get close to their release from prison so as to assist in the community reentry plan. As part of this initiative, program managers have been collaborating and developing partnerships with a number of governmental and private sector agencies to assist with inmate reentry.

Release Preparation Program: In addition to the wide array of inmate programs we offer, the BOP provides a Release Preparation Program in which inmates become involved toward the end of their sentence. The program includes classes in resume writing, job seeking, and job retention skills. The program also includes presentations by officials from community-based organizations that help former offenders find employment and training opportunities after release from prison.

Release preparation includes a number of inmate transition services provided at our institutions, such as mock job fairs where inmates learn job interview techniques and community recruiters learn of the skills available among inmates. At mock job fairs, qualified inmates are afforded the opportunity to apply for jobs with companies that have job openings. Our facilities also help inmates prepare release portfolios, including a resume, education and training certificates, diplomas, education transcripts, and other significant documents needed for a successful job interview.

We have established employment resource centers at all Federal prisons to assist inmates with creating release folders to use in job searches; soliciting job leads from companies that have participated in mock job fairs; identifying other potential job openings; and identifying points of contact for information on employment references, job training, and educational programs.

Community Based Programs/Residential Reentry Centers: The BOP places most inmates in community-based programs for the final portion of their term of imprisonment to help offenders gradually re-adapt to their community environment. These programs are a critical component of a comprehensive reentry strategy. Many of the programs and treatment that offenders receive in the correctional institutions are reinforced during their stay in the community-based programs. These programs provide an important opportunity for offenders to find a job and a place to live,

save some money, complete drug treatment (in some cases) and strengthen ties to family and friends. In other words, these programs contribute to public safety.

Mindful of our role as the "State Department of Corrections" for the District, we emphasize specialized programming and opportunities for female DC Code offenders that will help facilitate their successful reentry, while ensuring they are housed in safe and appropriately secure facilities. To facilitate community transition for females returning to the District, we maintain a contract with Fairview RRC. There are currently 21 female DC Code offenders housed at Fairview RRC - 3 additional females are currently on home detention."

We have also engaged in a fruitful partnership with the Our Place DC Reentry Demonstration Project to assist female D.C. offenders through case management and reentry to contribute to a successful transition back to the District. Our Place began its collaboration with the BOP at FDC Philadelphia and SFF Hazelton in January, and has provided in-person case management visits, videoconferences, and health and job training seminars. Our Place also continues their work with offenders at Fairview.

In an effort to further enhance the transition of female DC Code offenders to the community, BOP collaborates closely with CSOSA to improve the release transition process. BOP has coordinated with CSOSA in release preparation meetings at Federal facilities and halfway houses, with Fairview having a CSOSA officer on site. These officers work closely with the RRC staff on inmate release planning. BOP officials also participate in a workgroup with the United States Parole Commission, CSOSA, and the National Institute of Corrections on reentry issues (ensuring that there is effective communication between the corrections, community supervision, and releasing authority agencies).

The BOP complements its use of RRCs with home detention. Some inmates are placed in home detention for a brief period at the end of their prison terms. They serve this portion of their sentences at home under strict schedules, curfew requirements, telephonic monitoring, and sometimes electronic monitoring. The supervision is provided by staff at the RRCs. There are currently 5 female DC Code offenders on home detention. After release from the RRC or from the institution (for inmates not released through a RRC), most inmates have a period of supervised release under the supervision of the U.S. Probation Office, or in the case of DC offenders, by CSOSA.

Closing

Chairman Lynch, this concludes my formal statement. Again, I thank you, Mr. Chaffetz, and the Subcommittee for your support of our agency. We desire to expand inmate programs that have been demonstrated to reduce recidivism as expressed through our mission. We can provide more to inmates, to include female D.C. Code offenders, by reducing our crowding and adequately staffing our facilities as funding permits. I would be pleased to answer any questions you or other Members of the Subcommittee may have.

Mr. LYNCH. Thank you, Mr. Lappin.

Before we continue with the testimony, I have just been called to a second hearing on financial services where I have an amendment pending, so in my absence Ms. Eleanor Holmes Norton will preside. She has been intimately involved with this and will probably do a much better job than I would have, anyway.

Ms. Poteat, you are now welcome to take 5 minutes for an opening statement.

STATEMENT OF ADRIENNE POTEAT

Ms. POTEAT. Chairman Lynch, ranking member of the subcommittee, thank you for the opportunity to appear today to discuss the Court Services and Offender Supervision Agency's role in facilitating the successful reentry and community re-integration of the District of Columbia women returning home from prison.

On any given day, CSOSA supervises 16,000 offenders, of which 15 percent, or approximately 2,400, are female. Of those women, nearly 500 return to the community after serving a period of incarceration. The remaining 1,900 are probationers. Between 2006 and 2009 CSOSA experienced an 18 percent increase in the number of women with post-release supervision obligations. Over the same period, the number with post-release obligations increased by just 7 percent. Of the 2,324 D.C. Code felons who returned home from prison in 2009, 222, or 9½ percent, were women.

The challenges faced by women on community supervision are often exacerbated by history of physical, sexual, and mental abuse. Approximately 32 percent report having been victimized as a child, 25 percent report victimization as an adult. Nearly 8 percent report having either lived on the streets, in a shelter, or in transitional living facility during the most recent 6-month period, and about 30 percent report having a current housing arrangement that is considered unstable or temporary.

Additionally, 45 percent do not have a diploma or GED. More than 70 percent are unemployed on any given day. And more than 40 percent have a dependent child. Nearly half of the women report having been diagnosed with and/or treated for a mental health disorder, and 82 percent self-report illicit drug use.

CSOSA's supervision and treatment interventions are employed based on a proven best practice and on the unique needs of the individual offender. All CSOSA offenders undergo an extensive screening to identify their risk profile and their specific needs. Offenders are assigned to special mental health, domestic violence, sex offender, high-risk, substance abuse, or traffic/alcohol teams as appropriate. Our offenders receive a continuum of substance abuse treatment from detox to residential treatment, as well as a wide range of other support services.

Our gender-specific programming and our plans for the entry and sanction center will be addressed alter in my testimony.

CSOSA also works closely with the Department of Corrections' residential substance abuse treatment program, RSAT. We began this effort in October 2009, targeting 18 female offenders in their initial 90-day assessment and treatment readiness program. At the correctional treatment facility we monitor RSAT female offenders' progress and the prescribed community based treatment modality

and provide additional treatment and sanctions interventions to support availability upon DOC resources.

Last year we partnered with Our Place D.C. on a reentry demonstration project to provide comprehensive pre-release planning to women returning to the District of Columbia. To date, 16 women from Hazelton and 26 women from FDC Philadelphia who are going to be under CSOSA's supervision have expressed an interest in participating in this program. On June 28th we conducted our first videoconference with Hazelton. In August we will have a videoconference with Philadelphia and followup with Hazelton.

In this fall, in response to the growing population of females with co-occurring substance abuse and mental health issues, we expect to expand the scope of our women's programming with four major initiatives. The first, we will be opening a 115-bed floor on the reentry and sanction center for female offenders. The RSC provides high-risk offenders with a comprehensive clinical assessment and treatment readiness program.

At capacity the RSC can serve up to 180 women per year. Women will complete the 28-day program and have an individualized, long-term treatment plan that they can agree to complete. Many of the women will report to the RSC immediately following their release from prison. In addition, women who begin testing positive for drugs and who meet the program's eligibility criteria may be assigned to the RSC as a supervision sanction.

The second initiative will be the reorganization of our mental health branch to establish two women-only supervision teams.

As our third initiative, we will launch day reporting center exclusively for women. The women's day reporting center will provide a productive alternative to idle time for our unemployed female offenders.

Finally, we are expanding our women in control, a program for women suffering from substance abuse and mental illness. This cycle educational and therapeutic thus far has served 91 women in fiscal year 2009. The expanded program will target high-risk female offenders who have at least 6 months remaining under supervision and who are at risk for violent weapons, sex, or drug charges.

We are excited about the potential of these four initiatives to improve the reentry experience and support the successful supervision of our female population.

This concludes my testimony. I thank you for the opportunity to appear before you today and am prepared to answer any questions that you may have.

[The prepared statement of Ms. Poteat follows:]

**Testimony of Adrienne Poteat, Deputy Director
Court Services and Offender Supervision Agency
for the District of Columbia**

**Before the U.S. House of Representatives Committee on Oversight
And Government Reform Subcommittee on Federal Workforce,
Postal Service and the District of Columbia**

“Female D.C. Code Felons: Unique Challenges in Prison and At Home”

July 27, 2010

Chairman Lynch, Ranking Member Chaffetz, and members of the Subcommittee, thank you for the opportunity to appear before you today to discuss the Court Services and Offender Supervision Agency’s (CSOSA’s) role in facilitating the successful reentry and community reintegration of District of Columbia women returning from prison.

On any given day, CSOSA supervises 16,000 offenders. Women comprise roughly 15% of our total supervised population, or approximately 2,400 female offenders. Of those women, 20%, or nearly 500 women, returned to the community on parole or supervised release after serving a period of incarceration. The remaining 1,900 women are probationers. Between 2006 and 2009 CSOSA experienced an 18 percent increase in the number of women with post-release supervision obligations. Over the same period the number of men returning to the community with supervision obligations increased by just 7%. Of the 2,324 D.C. Code felons who returned home from prison under CSOSA’s supervision in 2009, 2,104 were men (90.5%) and 222 (9.5%) were women.

The challenges faced by women on community supervision are often exacerbated by a history of sexual, physical, and mental abuse that, in many cases, has gone unaddressed. Twenty-five to 40% of CSOSA’s 2,400 female offenders report having been victimized as a

child; 20% to 30% report victimization as an adult. Further, 6% to 9% report having lived either on the streets, in a shelter, or in a transitional living facility during the most recent six month period; 20% to 40% report having a current housing arrangement that is unstable or temporary; about 45% do not have a diploma or GED, more than 70% are unemployed on any given day; and more than 40% have a dependent child. Half of the women supervised by CSOSA report having been diagnosed with and/or treated for a mental health disorder and nearly 80% self-report a history of illicit drug use.

CSOSA's supervision and treatment interventions are employed based on sound set of proven best practices and on the unique needs of the individual offender. All CSOSA offenders undergo an intensive screening to identify their risk profile and their specific needs. Offenders are assigned to special mental health, domestic violence, sex offender, high risk substance abuse or traffic/alcohol teams as indicated. Our offenders receive a continuum of substance abuse treatment modalities from detox to residential treatment. Mental health assessments and treatment referrals, sex offender treatment, domestic violence treatment, anger management, parenting support, life skills training, employment assistance, transitional housing and vocational support are provided to all offenders based on need. With the exception of services designed specifically for women and placement in our Reentry and Sanctions Center, all services are provided to our offenders without regard to gender. Our gender-specific programming and our plans for the Reentry and Sanctions Center will be addressed later in my testimony.

CSOSA also works closely with the D.C. Department of Corrections' Residential Substance Abuse Treatment Program (RSAT) for those women who will be restored to CSOSA supervision, on probation, parole or supervised release, upon release from Department of Corrections custody. CSOSA meets with RSAT staff to review and implement discharge plans

covering a community-based adjustment period of up to six months. We monitor RSAT female offenders' release and entry into the prescribed community-based treatment modality. CSOSA facilitates meetings with the offender and the treatment provider to review changes and milestones in these offenders' treatment plans. When additional treatment and sanctioning interventions are needed and are not available through the Department of Corrections' provider network, CSOSA will supplement the recommended intervention with a placement at a CSOSA contract vendor treatment program. CSOSA began this effort in October 2009, targeting 18 female offenders who began and eventually completed the initial RSAT 90-day assessment and treatment readiness program at the Correctional Treatment Facility (CTF). All of the women were subsequently placed in community-based treatment services. Some are currently participating in aftercare, some have completed aftercare, and some have become noncompliant.

CSOSA conducts co-ed day, evening and weekend support groups for offenders facilitated by in-house staff and contract vendors. Since 1999 we have also conducted a gender-specific support program for our female offenders. The Women in Control Again (WICA) Program is an integrated psycho-educational therapeutic program for women suffering from substance abuse and mental illness. Participants in the program gain an understanding of the signs and symptoms of drug addiction, the effect of drug addiction on their mental illness and the importance of medication compliance versus self-medication with illegal substances and/or alcohol. The women are also assisted with building social and problem-solving skills. Participation in the WICA program is currently limited to women assigned to our Mental Health Branch.

In addition to the WICA Program, since 2004 we have held an Annual Women's Reentry Forum to increase public awareness of the challenges facing women returning from prison.

Congresswomen Eleanor Holmes Norton served as the keynote speaker for our inaugural event. Forum workshops, facilitated by our community partners, have tackled issues that have included parenting, domestic violence, health and personal care. Each year we conclude the Women's Reentry Forum with a fashion show featuring the residents of the Fairview Halfway House for Women modeling donated apparel. The clothes provide a boost to the women's morale and also provide appropriate apparel for employment interviews.

Last year, Our Place, DC partnered with CSOSA to launch a Reentry Demonstration Project to provide comprehensive pre-release planning to incarcerated women returning to the District of Columbia and to assist those women with managing the multiple obligations they will face upon return to the community. Our Place, DC is a key community partner that assists previously incarcerated women with clothing, transportation subsidies, medical education and job searches. To date, 16 women from the Secure Female Facility at Hazelton, West Virginia and 26 women from the Federal Detention Center in Philadelphia, Pennsylvania, who are going to be under CSOSA supervision, have expressed interest in participating in the Our Place, DC Reentry Demonstration Project. To be eligible, participants must be a female convicted of a felony as an adult, be within 4 months of release and be willing to participate. On June 28th, we conducted our initial videoconference with the women at Hazelton. At that time, we provided an orientation for new recruits and held private interviews with two of the previously enrolled participants. In August, we will hold an initial videoconference with Philadelphia and a follow-up videoconference with Hazelton. Our videoconferences with the women are an outgrowth of our positive experience in conducting video mentoring with male inmates at the Rivers Correctional Institution.

In response to the growing number of female offenders with supervision obligations and the increasing rate of women offenders with co-occurring substance abuse and mental health issues, CSOSA plans to significantly expand the scope of our women's programming with four major initiatives beginning this fall.

The first will be the opening of one 15-bed floor of the Reentry and Sanctions Center (RSC) to female offenders on probation, parole or supervised release. The RSC provides high-risk offenders with a comprehensive clinical assessment and treatment readiness programming. At capacity, CSOSA can provide RSC programming to up to 180 women per year. The outcome of this process will be the development of an individualized treatment plan that outlines a long-term continuum of treatment services that the woman agrees to complete and which the Community Supervision Officer will use to support appropriate and effective supervision. Like the men, many of the women will report to the RSC immediately following their release from prison. Women (including probationers) in the community who begin testing positive for drugs and who meet the program's eligibility criteria can be assigned to the RSC as a supervision sanction, as well. We maintain a network of treatment providers to ensure that appropriate services are readily available upon completion of the RSC program.

The second initiative will be the reorganization of our Mental Health Branch to establish two women-only supervision teams.

The third initiative will be launching of a Day Reporting Center (DRC) exclusively for women. The Women's Day Reporting Center will operate weekdays from 9 a.m. to 3 p.m. and, like our existing co-ed DRC, will provide a productive alternative to idle time for our unemployed female offenders. Programming will be built around a series of themes specific to

women.. The Day Reporting Center will be staffed by a CSOSA staff. Community-based service providers will provide programming as well.

Finally, the WICA Program is being expanded to provide a more comprehensive package of gender-specific supervision services to women. The target population will be high risk female offenders having at least six months remaining under supervision, being supervised at the intensive and maximum levels, who are suffering from mental health challenges, substance abuse or trauma, and have the propensity to carry out acts of violence or be reconvicted on weapons, sex or drug offenses. Cognitive behavioral therapy will be added to address the negative thinking patterns that trigger criminal behavior and group sessions will be increased from one to two days per week.

We are excited about the potential of these four initiatives to build upon our existing programming for women and contribute to the successful reintegration of our female offenders. This concludes my testimony. Again, thank you for the opportunity to appear before you today. I am prepared to answer any questions you may have.

Ms. NORTON [presiding]. Thank you very much, Ms. Poteat.
The next witness is Nancy LaVigne of the Justice Policy Center at the Urban Institute.

STATEMENT OF NANCY LAVIGNE

Ms. LAVIGNE. Thank you, Representative Norton.

I appreciate the opportunity to speak today about the incarceration and release of female D.C. Code felons.

As you know, the Urban Institute has conducted extensive research on the topic of prisoner reentry, and perhaps our largest study is called, *Returning Home: Understanding the Challenges of Prisoner Reentry*. It is a longitudinal study of prisoner reentry and includes both men and women who are navigating the challenges of returning to their homes and communities. For that reason, we are able to discuss in detail the differences in experiences between men and women who are reentering society.

So what do we know about women reentering society? Well, each woman's story is unique. The broad brush strokes, however, are quite similar in that women are typically incarcerated for property or drug possession offenses, and they are likely to have long-term substance abuse histories. In Maryland, in fact, half of the women we interviewed reported daily heroin use in the 6-months leading up to their most recent incarceration, this compared to about a third of the men we interviewed.

In terms of supporting themselves financially, women are much less likely to have been legally employed prior to their incarceration, they are less likely to receive job training or have gained vocational skills while behind bars, and they are less likely to participate in job placement services, and ultimately to be legally employed after their release.

This employment hurdle may explain why women exiting prison report more difficulties meeting their day-to-day financial needs, are almost twice as likely to report earning income through illegal means, and are much more likely to rely on public assistance as a source of income than are men.

Even among women who are able to find jobs, they earn, on average, \$1.50 less per hour than their employed male counterparts.

Lack of employment opportunities may also explain why women are more likely to report difficulties in paying for housing. These difficulties lead to higher rates of residential mobility, with women more likely than men to have lived in more than one place since their release. They are also more likely to report difficulty in finding housing due to their criminal records.

The unique obstacles that women face during their reintegration contribute to their subsequent criminal behavior. In the study we did in Texas, we found that women were almost twice as likely as men to be back behind bars in a year's time.

Now the data I have presented so far paints a pretty grim picture for women's prospects of successful reintegration and rehabilitation, but, while the challenges are great, the opportunities exist that are often overlooked for this population, and chief among those is the important role that family support can play in successful reentry.

Our reentry studies have found that families can favorably influence the reentry process, with higher levels of family support linked to higher employment rates and reduced recidivism following release. Fortunately, women report roughly the same degree of family support as men, although they are more likely to rely on children as that source of support than are men, who typically rely on mothers, aunts, grandmothers, and so forth.

Indeed, incarcerated women's relationships with their children represent the single greatest difference between them and their male counterparts. When we interviewed men and women behind bars prior to their release, we asked an open-ended question.

We said, what are you most looking forward to after your release? The differences between male and female respondents were pretty stunning. What men said, the top answer was tied between calling my own shots and pizza, and I am not kidding, while the overwhelming majority of women responded, reuniting with my children.

Clearly, women's ties to their children can serve as an incentive to refrain from substance abuse and criminal behavior, but these ties to their children and their support from family are closely linked to the type of contact they have behind bars.

Representative Norton, as you correctly noted in your opening remarks, there is no definitive research that links distance from prison to recidivism, but there is research that links contact with family members behind bars to reintegration outcomes.

So the question here is: are incarcerated D.C. female felons able to have contact with their family members? And I was encouraged to hear that the numbers of women who are incarcerated close to D.C. has increased over time, and yet it sounds like as many as one in five are still incarcerated as far away as Texas. It stands to reason that the farther away these prisoners are housed from their homes, the less contact they will have with family.

I therefore encourage members of this subcommittee to continue your efforts to ensure that female D.C. Code violators are housed in prisons close to their homes. Doing so will enhance the ability of incarcerated mothers to maintain contact with their children, which research indicates is a critical factor in successful reintegration.

Doing so will also aid women in connecting to the community-based substance abuse treatment and mental health services that they so critically need to successfully reintegrate. In the meantime, efforts to connect prisoners to post-release service providers through videoconferencing should be supported and expanded to include communications with family members.

Thank you for your time. I welcome any questions you may have.
[The prepared statement of Ms. LaVigne follows:]

Statement by

Nancy G. La Vigne
Director, Justice Policy Center, The Urban Institute

At a hearing on

Female D.C. Code Felons: Unique Challenges in Prison and at Home

by the

House of Representatives Oversight and Government Reform Subcommittee on
Federal Workforce, Postal Service, and the District of Columbia

July 27, 2010

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to speak today about the incarceration and release of female D.C. Code felons. I am the director of the Justice Policy Center at the Urban Institute, where we have extensively researched prisoner reentry, documented its many challenges, and identified factors that predict both successful prisoner reintegration and recidivism. Our research on male and female incarcerated D.C. Code felons, for example, indicates that they return home in need of health care, drug treatment, jobs, and affordable shelter (Hall et al. 2009; Roman and Kane 2006). We have also specifically examined the unique challenges that women face both behind bars and upon return to their families and communities.

Our cornerstone reentry study, "Returning Home: Understanding the Challenges of Prisoner Reentry," represents the only published empirical research with a sample size sufficient to identify statistical differences in the experiences of women versus men, as well as to isolate factors that predict reentry outcomes for women who are released from

prison. While this research included women returning from prison to Baltimore and Houston, the findings are generalizable to female D.C. Code felons and provide the data and context necessary to inform effective in-prison and reentry planning for this population.

Overall, our findings indicate that while women and men share similar reentry challenges, several factors contribute to the variation in incarceration and reentry experiences for women. Chief among these are differences in substance abuse, mental health, employment histories, and residential stability. Underscoring these challenges—and the potential support systems to help women navigate them—is the role that both family and ties to children play for women returning from prison.

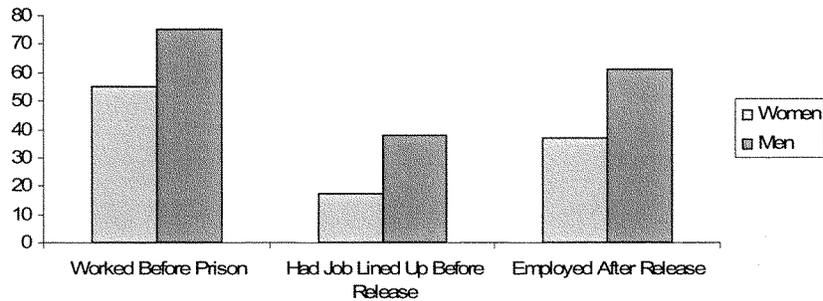
While each woman's story is unique, the broad brushstrokes are quite similar. Women are typically incarcerated for property or drug possession offenses, and are likely to have serious and long-term substance use problems. In Maryland, half of the women we interviewed reported daily heroin use in the six months leading up to their most recent incarceration (compared with slightly more than a third of men) (Visher, La Vigne, Travis 2004). Half of women also reported daily cocaine use during that period, compared with 22 percent of men.

These substance abuse behaviors often co-occur with mental health problems, with depression high on the list of medically diagnosed ailments. Women in Texas, for example, were more likely to be clinically depressed, have experienced post-traumatic stress disorder, and to have been diagnosed with asthma, lung disease, and sexually transmitted diseases than men (La Vigne, Shollenberger, and Debus 2009). It's no

wonder that twice as many women expressed the need for “a lot of help” with their drug addictions after their release than did men.

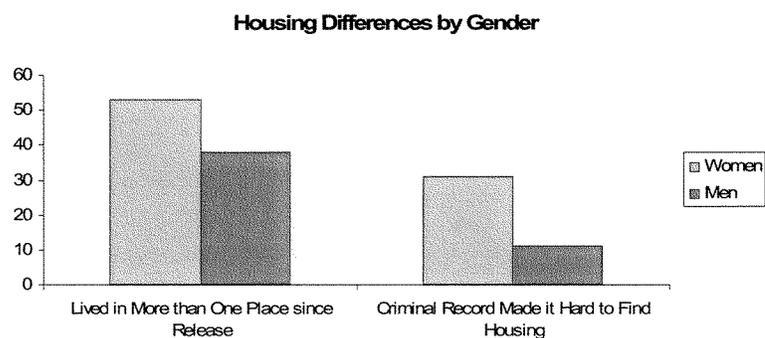
In terms of supporting themselves financially, the goal of finding and retaining a job during the first several months following release remains elusive for most women. Women are much less likely to have been legally employed prior to their incarceration, to have received job training or to have gained vocational skills while behind bars, and to participate in job placement services and be legally employed following release (La Vigne et al. 2009).

Employment Differences by Gender



This employment hurdle may explain the fact that women exiting prison report more difficulties meeting their day-to-day financial needs, are almost twice as likely to report earning income through illegal means, and are much more likely to rely on public assistance as a source of income than are men. Even among women who are able to obtain jobs after release, they remain at a disadvantage compared with formerly incarcerated males, earning \$1.50 less per hour on average than their employed male counterparts.

Lack of employment opportunities may also explain why women are more likely to report difficulties in paying for housing. These difficulties lead to higher levels of residential mobility, with women more likely than men to have lived in more than one place since release and also more likely to report difficulty finding housing due to their criminal records.



The unique obstacles that women face during their post-prison reintegration, driven largely by their differences in pre-prison substance use and employment histories, continue to play a role in terms of subsequent criminal behavior. In the months following their release from prison women are more likely than men to engage in drug use, to have problems stemming from drug use, and to have partners who drink or use drugs daily. Perhaps not surprisingly, women are almost twice as likely as men to be back behind bars in a year's time, typically due to a drug-related offense or a property offense driven by addiction problems (La Vigne et al. 2009).

The data presented thus far paint a grim picture for women's prospects of successful reintegration and rehabilitation. But while the challenges are great, opportunities exist that are often overlooked for this population. Perhaps the most

promising opportunity is the role that family support, both tangible and emotional, can play in successful reentry. Our reentry studies have found that families are an important influence on the reentry process, with higher levels of family support linked to higher employment rates and reduced recidivism following release (La Vigne, Visher, and Castro 2004; Visher et al. 2004; La Vigne et al. 2009). Fortunately, women report roughly the same degree of family support as men, although the source of that support is quite different, with men relying on female family members (mothers, aunts, sisters, grandmothers) and women more likely to rely upon their children (La Vigne et al. 2003). Indeed, incarcerated women's relationships with their children represent the single greatest difference between them and their male counterparts. When we interviewed men and women behind bars prior to their release, we asked them, "What are you most looking forward to after your release?" The differences in responses by gender were stunning: the top responses for men tied between "calling my own shots" and "pizza," while the overwhelming majority of women responded, "reuniting with my children." Clearly women's ties to their children can serve as an incentive to refrain from substance abuse and criminal activity.

These ties to and support from families, however, are not a given. Rather, they are closely linked to the nature and type of contact prisoners have with their family members—parents, intimate partners, children—prior to their release. Our research has found that in-prison contact with family members is predictive of the strength of family relationships following release (Naser and La Vigne 2006). Other studies have shown that family contact during incarceration is associated with lower recidivism rates (Adams and Fischer 1976; Glaser 1969; Hairston 2002; Holt and Miller 1972; Klein,

Bartholomew, and Hibbert 2002; Ohlin 1954). Such contact can maintain or reinforce attachments to children, giving exiting prisoners a greater stake in conformity upon release. This could yield major benefits, as we have learned that exiting prisoners who have strong positive attachments to their children tend to be legally employed for longer periods than those who have weaker ties to their kids (Visher, Debus, Yahner 2008).

Maintaining and even strengthening family ties during incarceration can bolster the positive impact that family can have after a prisoner's release. But D.C. Code felons are typically housed hundreds of miles from their families, and in the case of women, significant shares are incarcerated in Texas and Florida (Pelzer 2006). It stands to reason that the farther these prisoners are housed from their homes, the less contact they will have with family.

As already described in hard numbers, women have different experiences from men, both behind bars and in the community. They face reentry challenges with fewer skills and more deficits, and those differences are manifested in higher rates of relapse and recidivism. All this suggests that a focus on women as a distinct subpopulation of persons reentering society is critical to the development of effective policies and practices. Specific to this hearing, I would encourage the members of the subcommittee to consider measures to ensure that female D.C. Code violators are housed in prisons close to their homes. Doing so will enhance the ability of incarcerated mothers to maintain contact with their children, which research indicates is a critical factor in successful reintegration. A closer proximity of these incarcerated women to their communities will also aid women in linking to the substance abuse treatment and mental health services that they so critically need to successfully reintegrate. In the meantime,

efforts to connect prisoners to postrelease service providers through video conferencing should be supported and expanded to include communications with family members.

Thank you for your time. I welcome any questions you may have.

Note

The views expressed are those of the author and should not be attributed to the Urban Institute, its trustees, or its funders.

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Ms. NORTON. Thank you very much, Ms. LaVigne.
We will next hear from Ashley McSwain, who is the executive director of Our Place here in D.C.
Ms. McSwain.

STATEMENT OF ASHLEY MCSWAIN

Ms. MCSWAIN. Ms. Norton and members of the subcommittee, I am honored by this invitation to appear before you to discuss the issues facing female offenders as they transition back into the D.C. community after incarceration.

I would like to begin with a story about one of our clients. After almost 1 year in custody, one of our female clients—let's call her Hope—heard an Our Place presentation in the Federal detention center in Philadelphia. Upon her release she visited Our Place and found guidance, support, and friendship void of the judgment she expected. She got a resume and e-mail address, clothes, suits for interviewing, and legal advice to get her driver's license reinstated, which had been suspended while she was in custody because she was not notified of the hearing.

Hope now works for Our Place and serves in a vital role and feels that her dignity and self-esteem has been restored.

Our clients represent the breadth of challenges that women face as they reenter society from prison. They have a host of unique medical, psychological, and financial problems and needs that distinguish them from male offenders. And while male offenders experience some of the same problems, several factors set the needs of female offenders apart. Many have histories of substance and sexual abuse, and over half have been victims of domestic violence. This all creates a unique challenge for the female offender.

When a woman is sent to prison, the entire family structure is impacted differently than when a man is sent. It is said that when a man goes to prison he loses his freedom, but when a woman goes to prison she loses her children. While women are incarcerated, their families suffer, children are sent to live with relatives or friends or placed in foster homes, sometimes separated from their siblings.

Additionally, because D.C. Code felons are forced to serve their sentences far away from home, family units and the female offender is further burdened. Many of the women we serve tell us that Our Place is the only connection they have to the D.C. community since their family members did not have the funds or the transportation to visit them while in custody.

Our Place began offering services in 1999 upon hearing women's stories of incarceration and their struggles to reestablish themselves in the community upon their release. Since opening its doors, Our Place has served over 7,000 D.C. women, but over the last 2 years we have seen a 30 percent increase in females that visit our programs for services. Currently, an average of 90 women walk into the doors every single week. Of our staff, 66 percent has been formerly incarcerated, which brings a perspective that keeps us informed of the needs and experiences of the women we serve. The success stories of our staff members become a testament to what is possible for our clients.

Our primary service is the drop-in center, where women can visit us directly from prison to begin to gain direction for their next steps after their release. We provide funding for birth certificates, police clearances, tokens, and identification. We also have a clothing boutique, drinks and snacks, computer, faxes, copy machines, and other administrative support.

Our services also include a legal education and support, including direct representation, employment and education, HIV/AIDS prevention and onsite testing, condom distribution. Our case managers sit in on team meetings with the Bureau of Prisons, the female inmate, and various BOP staff. This is unprecedented, and further allows us to fully understand what the offender will need when she is released upon her release.

We also recently began videoconferencing with women in custody in collaboration with CSOSA. We offer transitional housing for women living with AIDS. We work closely with the local jail and a variety of Federal prisons, specifically Hazelton, FDC Philadelphia, and Alderson. We run a family transportation program to take family members to Danbury and Hazelton each and every month so the children and loved ones can visit their family members. We offer a scholarship program that helps children pay for their training while in custody and after their release. This program is also extended to their children. And we also accept collect calls from the women who are in custody.

A felony conviction comes with shame and stigma that can be difficult to manage alone. Offering a comprehensive team of wrap-around support can be the difference between success and re-offending. At Our Place we create a sense of community and connectedness. Additionally, the sheer volume of relationships that female offenders need to maintain can overwhelm women, marking the beginning of their path to recidivism.

For example, most women must work with a drug treatment counselor, attend NA or AA meetings, work with a mental health counselor, medical doctor, family counselor, probation officer, housing counselor, welfare counselor, employment counselor, academic instructor, children, family members, husbands, boyfriends, and many more, all at the same time. We help the women put their obligations and needs into perspective.

We are fortunate that Our Place is granted unprecedented access to the women while inside the prisons so that when they return home they will have a plan that can be implemented as they relearn the community they have been away from, sometimes for decades.

We are sincerely grateful to the Bureau of Prisons and our many other partners for their commitment to assisting these women during their transition home.

The work being conducted at Our Place offers a unique opportunity to develop a model of service delivery for female offenders all over the country. Every woman being released from prison needs supports as she reenters the community. They are great organizations doing effective work; yet, they struggle every single month to make payroll to support their efforts.

Given adequate funding, can impact the needs of many more individuals who sincerely want to make change within their lives.

Today, Hope is building a stable future for herself and her family and serves as a role model for many women who enter the doors of Our Place. She is lighting the torch for all women who come behind her. Let us give every D.C. woman the same support and opportunity that Hope had.

Thank you very much for the opportunity to share our story.
[The prepared statement of Ms. McSwain follows:]

Our Place DC Testimony July 27, 2010

STATEMENT BY
ASHLEY MCSWAIN, EXECUTIVE DIRECTOR OF OUR PLACE, DC
HEARING ON
“FEMALE D.C. CODE FELONS: UNIQUE CHALLENGES IN PRISON AND AT HOME”
BY THE
HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON
OVERSIGHT AND GOVERNMENT REFORM
JULY 27, 2010

Helping women find their place, one woman at a time.

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To the Chair, Ranking Member Chaffetz and Members of the Subcommittee:

I am honored by this invitation to appear before you to discuss the issues facing female offenders as they transition back into the D.C. community after incarceration.

My testimony this morning is divided into three parts. First, I will discuss the unique needs and experiences of the female DC code offender. Second, I will provide an overview of the work of Our Place D.C. and third I will recommend strategic approaches to supporting this population as they transition back into the community.

I'd like to begin with a story about one of our clients. After almost one year in custody, one of our female clients – let's call her Hope -- was released into the community. Not sure how to rebuild her life, Hope feared that after the conviction she would be excluded from employment opportunities, housing opportunities and other supports. What scared her most was looking for work and being offered menial jobs that did not account for her twenty years of excellent work experience. She had been a legal secretary and a supervisor for Amtrak. No one seemed to care. But one day while in custody in the Federal Detention Center in Philadelphia, Our Place came and gave a presentation about their services. We touched on many of her greatest fears and concerns. Upon her release she visited Our Place and found guidance, support and friendship, void of the judgment she expected. She got her resume, an email address, clothes and suits for interviewing and legal advice to get her drivers license reinstated, which had been suspended while she was in custody because she did not receive notification of the hearing. Additionally, she received comprehensive one-on-one employment support.

She was so determined that one night after work, Hope traveled more than an hour to meet with our employment counselor. She and the employment coordinator designed four different cover letters for her job search. Fast forward, one year; Hope was working in a day care center feeling underutilized and underappreciated, however, due to her diligence and persistence as an Our Place client, when an employment opportunity opened at Our Place, the lawyer who had helped her one year earlier recommended her for the position. She currently works for Our Place and serves in a vital role and feels that her dignity and self esteem has been restored. Our Place is committed to providing an experience that demonstrates as much commitment as demonstrated in the clients we serve.

The Problem

There has been a 700% increase in incarcerated persons in the past three and a half decades. And although female offenders traditionally have represented a small proportion of the total adult and juvenile offender populations (5 to 10 percent), their presence in the nation's correctional populations has been expanding at a rate that far exceeds that of their male counterparts. The female prison population has increased by 832% in the last 30 years – the vast majority African American females. There are 200,000 women in prison and jail in the United States and more than 1 million are under criminal justice supervision¹. This phenomenon has raised a variety of

¹ Women's Prison Association (2009) Quick Facts: Women and Criminal Justice—2009. Report prepared by Institute on Women and Criminal Justice. www.wpaonline.org

questions, about changes in female offending and the criminal justice system's response to female offenders².

Like male offenders, the majority of female offenders are poor, disproportionately African American or Hispanic, under-educated, unemployed and unskilled. Consequently, the depth and breadth of needs for women who are reentering the community after a period of incarceration are significant and largely unmet. They have a host of unique medical, psychological, and financial problems and needs that distinguish them from male offenders. Addiction, poverty, unemployment, physical and mental illness, physical and sexual abuse, and homelessness trap women in a cycle of hopelessness and crime. And while male offenders experience some of the same problems, several factors set the needs of female offenders apart³. Tragically in recent decades, women have taken on the role of heads of households, with two-thirds having children under the age of 18. Many have histories of substance and sexual abuse and over half have been victims of domestic violence. This all creates a unique challenge for the female offender.

When a woman is sent to prison the entire family structure is impacted differently than when a man is incarcerated. It is said that "When a man goes to prison, he loses his freedom, but when a woman goes to prison, she loses her children". While women are incarcerated, their families suffer. Children are sent to live with relatives or friends or placed in foster homes, sometimes separated from their siblings. This leaves them at a high risk for future involvement with the juvenile and/or adult corrections systems than their peers. Additionally, because D.C. Code Felons are forced to serve their sentences far away from home, family units and the female offender is further burdened. Many of the women we serve tell us that Our Place is the only connection they have to the DC community since their family members do not have the funds or the transportation to visit them while in custody. And while a prison sentence is designed to punish or to change behavior, the collateral damage to a woman's family can be felt years after the sentence is served. Many children suffer from abandonment, isolation, negative social stigma; these are all feelings that a woman serving a sentence in another state cannot address. Once a woman is released from custody, not only is she required to build a new life for herself in a world that has changed, but she is also required to build a life with the child she left behind who has also changed. This is often overwhelming and can sometimes mark the beginning of her recidivism. It becomes difficult to know what comes first, the needs of your child or the conditions of your release. The work of Our Place tries to help the woman put things into perspective so she can manage the new responsibilities of freedom and her new familial obligations.

² Jolin, Annette., Bellatty, Paul., Liang, Shu. and Papadopoulos, Anastacia. "Predicting Female Recidivism" *Paper presented at the annual meeting of the American Society of Criminology (ASC), Los Angeles Convention Center, Los Angeles, CA, Nov 01, 2006* <Not Available>. 2009-05-24 <http://www.allacademic.com/meta/p126738_index.html>

³ Austin, James, Bloom, Barbara, & Donahue, Trish, National Council of Crime and Delinquency, San Francisco, CA 1992, "Female Offenders in the Community: An Analysis of Innovative Strategies and Programs.

Male vs Female Offenders

- Many female offenders are single mothers Seventy-seven percent (77%) of incarcerated mothers reported providing most of the daily care for their children before incarceration⁴. This reality adds a new and challenging dimension to the prison and reentry experience. Often the substitute caregivers want the mother to take responsibility for her children as soon as she is released despite not having acquired employment or adequate supports. Additionally, trying to parent from prison produces unique challenges to adjusting to prison life. Furthermore, DC offenders are routinely sent to facilities so far from home that their children cannot visit them and maintain that crucial emotional connection. In short a woman comes home to children who she is unable to care for, and who are desperate for her care.
- Research suggests that women need supporting relationships to motivate their change. Establishing a relationship develops a connection essential to women's success and has been linked to a reduction in recidivism, and it is supported by relational theory which helps describe the different ways men and women develop, ultimately affecting how they learn and who they become as adults⁵. An important difference suggested by research is that "females develop a sense of the self and self-worth when their actions arise out of, and lead back into, connections with others"⁶. A result of this need to connect with people is that most, if not all, women who have been incarcerated are drawn into criminal activity because of their relationships with others. Therefore in order to foster trust and support for the female offender you must first establish a connection and relationship. This is why Our Place staff provides programming while women are still incarcerated.
- In contrast, men often have wives, mothers or family members waiting for them when they return home to support their reentry. Unfortunately, women have fewer supports and fewer options upon reentry. The visitors lists for men incarcerated is significantly longer and demonstrates many more supports and options for the male offender than for the female. It is also why Our Place seeks not just to provide services, but to provide a platform of relationships to help women transition back into society.
- Women need safe housing to prevent them from returning to the unstable environments that may have lead to their original offense or to abuse. Therefore, when release plans are designed, many housing options are limited as safety becomes the concern. Women are limited by their inability to move to areas that were the location of their prior abuse, or to households where their abuser may live. Even their mother's homes may have been a site of childhood abuse; they may have been abused by their mother's boyfriend a brother or an uncle. Finally, alternative housing options may simply be unsafe or unsuitable if the woman has her children with her. All of these threats limit their options for housing upon their release.

⁴ Glaze, L. and Maruschak, L. (2008) Parents in Prison and their Minor Children. Bureau of Justice Statistics Special Report

⁵ Voorhis, P.V., Ph.D.; Salisbury, E., Ph.D.; Bauman, A., M.S.; Holsinger, K. Ph.D.; Wright, E., M.S. (University of Cincinnati Classifying Women Offenders: Achieving Accurate Pictures of Risk and Identifying Gender Responsive Needs. Retrieved from: <http://www.uc.edu/womenoffenders/ICCA%20ADDRESS.pdf>

⁶ Austin, James, Bloom, Barbara, & Donahue, Trish, National Council of Crime and Delinquency, San Francisco, CA 1992, "Female Offenders in the Community: An Analysis of Innovative Strategies and Programs.

- Research shows that female offenders have lower levels of academic knowledge and vocational trainings than male offenders, which impedes the employment process and requires a greater level of resources.⁷ According to a 2003 Bureau of Justice Statistics Special Report on education and incarceration statistics, forty-two percent (42%) of women in State prisons do not have a high school diploma or GED⁸. That is why at Our Place we offer various workshops to help women address their deficits in a comfortable, supportive, and non judgmental space.
- Finally, because the model for the criminal justice system is dominated by the male offender, there are many more programs available to support their reentry. Many of these programs are simply not suitable for women, especially women who have children. Of the few programs for women, many are modeled after male programs and often do not adequately address the unique needs of females

Our Place D.C.

Our Place began offering services in 1999 upon hearing women's stories of incarceration and their struggles to reestablish themselves in the community upon their release. Our mission is to support women who are or have been in the criminal justice system by providing the resources they need to maintain connections with the community, resettle after incarceration, and reconcile with their families. Our Place helps women remain drug and alcohol free, obtain decent housing and jobs, gain access to education, secure resources for their children, and maintain physical and emotional health.

Ten years ago, we offered supports based on women's self-reported needs, which were consistent with best practices at the time. Using similar sources of information, we also began providing additional programs and services. A brief summary of our service delivery by program follows:

- We offer legal education that includes information on child custody, divorce, subsidized housing, landlord-tenant laws and information about women's underlying offenses so that we can support a comprehensive reentry plan. Women get one on one counsel from our one full time attorney and assistance from our legal interns.
- We offer a drop in center where women can visit us directly from prison to begin to gain direction for their next steps after their release. We provide funding for birth certificates, police clearances, and identification. We also have computers, a fax machines, copy machine, a clothing boutique, hot and cold drinks, snacks and small meals such as soup, pasta, oatmeal, and donated sandwiches and cakes. We have a library; various support groups, and many volunteer opportunities.
- Women can complete their community service at our site and also begin to do volunteer work while they reintegrate. Women often begin to practice their office etiquette and

⁷ Austin, James, Bloom, Barbara, & Donahue, Trish, National Council of Crime and Delinquency, San Francisco, CA 1992. "Female Offenders in the Community: An Analysis of Innovative Strategies and Programs.

⁸ Office of Justice Programs (2003) Bureau of Justice Statistics Special Report: Education and Correctional Populations. Washington DC: US Department of Justice.
http://www.policymanc.org/crime/archive/education_prisons.pdf

office skills while volunteering. Our staff routinely supports the woman's skill development while she volunteers at our offices.

- 66% of Our Place staff has been formerly incarcerated, which brings a perspective that keeps us informed of the needs and experiences of the women we serve. The success stories of our staff members become a testament to what is possible for our clients.
- We offer employment and education workshops to help women understand which industries hire felons and identify trainings they can participate in while in custody that will help with their employability after release. We teach women how to talk about their gaps in employment and her gaps in education.
- We offer HIV/AIDS workshops to help women practice safe sex so as not to contract or spread HIV/AIDS when they are released. We have on site testing and promote the use of condoms and distribute them freely to women who visit the site. We have a full project in partnership with the Washington Aids Partnership to promote the use of the female condom.
- Our case managers sit in on the teaming, which is the Bureau of Prisons meeting with the female inmate and various BOP staff and who all work collectively to address the woman's multiple needs. Allowing Our Place to participate in the teaming is unprecedented and further allows us to fully understand what her needs are and what she will be facing upon her release. The teaming's include the unit manager in the prison, the case manager, psychologist, mental health coordinator and other officials relevant to the woman's release.
- Since there is no prison in DC, we travel to federal facilities (Philadelphia, PA; Hazelton, WV, and Alderson, WV) that hold the majority of DC women to provide programming. We also run a visitation program where we take family members to the Danbury and Hazelton facility each month so that children and loved ones can visit their family members who are in custody.
- We offer a pen pal program so that women who are incarcerated in Hazelton can stay connected to someone on the outside. This project is staffed by volunteers in the community. This is a pilot project and began in Hazelton and is now being extended to Federal Detention Center Philadelphia.
- We offer a scholarship program that helps women pay for their training while in custody and after their release. This program also extends support to the children of women who are in custody, including paying for class pictures, uniforms, books and other necessary items.
- We accept collect calls from women who are in custody so they can speak to staff about their needs and concerns.
- In addition to responding to visits to the office and collect calls, staff also responds to an average of 15 letters each week from the women seeking direction and support.
- Once a woman is released, we provide life coaching to help her meet all of the conditions of her release as well as to help her manage all of her obligations and relationships.
- Our Place helps women build a foundation on which to sustain themselves and their children by providing a **safe space** to visit upon their release from custody - one that is **non-judgmental, void of red tape** and that **addresses their urgent needs**. We encourage education, patience, self-reliance, accountability, responsibility and initiative.
- We foster strong partnerships with the faith-based community to ensure a well-rounded team of supports.

- Our programs build relationships and create the space and opportunity for women to share their needs and contribute to program development which gives them purpose, direction and hope.

A felony conviction comes with shame and stigma that can be difficult to manage alone. Many women have little or no support, and are desperately seeking direction and guidance. Offering a comprehensive team of wrap around support can be the difference between success and reoffending. Additionally, the sheer volume of relationships female offenders need to maintain can overwhelm women marking the beginning of their path to recidivism. For example, most women must work with a drug treatment counselor, attend Narcotics Anonymous or Alcoholics Anonymous meetings, work with a mental health counselor, medical doctor, family counselor, probation officer, housing coordinator, welfare counselor, employment counselor, academic instructor, children, family members, husbands, boyfriends, and many more all at the same time.

Research shows that a one stop shop model is more effective than having women visit several different locations to address her acute needs. And while Our Place can qualify as what you might call one stop, our true model is one that creates and encourages community -- one in which a community of caring individuals come together to tackle the multiple needs of each individual. Holding clients accountable, showing them respect and honor, and teaching women to support each other in an environment that models it through the work.

Today's communities are isolated, lonely and can be difficult to navigate when you struggle with addiction, unemployment, criminal history, ostracism and low self esteem. The women who visit Our Place have stated, "[staff] make me feel like they were expecting me". In many communities during the 60's and 70's your neighbor would pull you to the side and tell you right from wrong. The local merchant would extend you credit and reward your family for timely payments. Black women were still predominately heads of households, but they were guided by community and family. Today's females are often left to fend for themselves. No community, no elders, no fathers and no direction. What's a woman to do when she has no foundation, supports or friends and then goes to jail? She finds love and respect in prison and is then released to an unforgiving community that treats her like Hester Prynne in the Scarlet Letter. At Our Place we help women find their inner strength in the face of social adversity at the same time providing evidence based supports and programming.

Since its inception, Our Place has worked closely with the local jail and a variety of federal prisons that house DC women. Currently, Our Place works most directly with the United States Penitentiary (USP) Hazelton and the Federal Detention Center (FDC) Philadelphia, the Correctional Treatment Facility (CTF), Fairview Halfway house and Court Services Offender Supervision Agency CSOSA. Our Place visits these facilities and provides various programs. Best practices in the field indicate that transition planning must begin during the incarceration period with some purporting the beginning of such planning at the moment of intake to the facility. Data also demonstrates that services provided during incarceration are most effective when they are followed-up with programs in the community .

⁹ Walters, C. & Wagner, L Creative Partnerships that Support Inmate Reentry Programs: Involving public, private, and nonprofit organizations. <http://www.nicic.org/Downloads/PDF/Library/period318.pdf>

Additionally, we currently implement a pilot program that begins working with the women two to four months prior to their release from custody to help them implement release plans that were established while they were still in custody. Our Place's case managers work closely with the unit staff at each facility as well as the case managers at the facilities to understand the needs of each woman. The case managers help prepare them for reintegration back into their communities. Additionally, Our Place continues its work with the women for at least six months after their release to insure continuity of support. A woman no longer needs to adjust from one case manager to another when transitioning home. Instead, she has the opportunity to form a relationship in prison with the case manager she will work with once she returns to the community. This pilot project is funded through the Justice Grants Administration; we are currently seeking a second year of funding so that we can continue this work and to gain a full two years worth of data that will confirm the success of this approach to the work.

The implementation of our pilot program sparked us to formalize our relationships with several of the institutions that impact the women we serve. That specifically includes the United States Penitentiary in Hazelton, Federal Detention Center Philadelphia, the Correctional Treatment Facility, the Halfway House, and Court Services Offender Supervision Agency (CSOSA). Through these relationships we have learned that there are many gaps in the reentry experience for female offenders. Historically, correctional programs, whether in prison or in the community have been unable to meet the unique needs of female offenders. Designed to serve the predominantly male offender population, correctional agencies have not addressed the multidimensional problems that form the context for women's criminal behavior. Though during their incarceration women can enter GED classes, work on their recovery, participate in parenting programs, enter budgeting classes and receive job-readiness assistance, the women we work with are still in need of intensive, individualized support when they are released from custody. Furthermore, although both USP Hazelton and FDC Philadelphia provide re-entry services, both admit that they are not trained to, nor do they have the time to, provide women the intensive support they need to transition from prison to home.

For one, the existing institutions have a role that does not necessarily lend itself to supporting the reentry experience after release. For example, probation officers, police officers, corrections officers, judges, and lawyers all have specific roles, which are not set up to help women implement and manage her obligations after she is in the community. Our Place is structured to help women manage their obligations, help them become clear about how to prioritize and see the overlapping obligations that may be governing their stress and their failures. We act as liaisons, to help women manage the requirements that have been put into place by other institutions and organizations to ensure their compliance while in the community. We help women manage their probation requirements and their drug and alcohol recovery needs. We supply them with tokens to get to the multitude of appointments that are required of them as they reenter the community, and we encourage and cheer them on as they take this long journey to successful community reentry. Our role as coach and consultant has become vital to the female reentry experience. We build trust and relationships that begin to build self-esteem, self-worth, purpose, and vision. With this level of engagement with female offenders we have established a level of trust that garners information that many of the institutions have not been able to acquire. Our model of work is quickly becoming a valuable tool for effective release planning.

Our Place D.C. Statistics

- Since opening its doors in 1999 Our Place has served over 7,000 DC Women.
- Since 2009 Our Place has seen a 30% increase in females that visit our program for services.
- During our fiscal year 09-10, we served 1324 women. Of this total, 634 were in custody, 241 were at Fairview and the balances were released to the community. Of the women released 47% received tokens, 60% received legal counseling, 23% received birth certificates, 21% received funding for identification, and 17% received funding for a police clearance. Since the transportation system changed to disallow the use of the pass to access connecting busses, causing the consumer to need a new token for each bus ride, our costs for tokens has doubled.
- An average of ninety women walk into the doors of Our Place every week. By July of this year we have served as many women as we did in the entire fiscal year 08-09.
- Over the past five years OPDC clients have tended to be in the 25-54 age range. In each year since 2005 approximately (37%) of our clients have been between 45-55 years of age.
- Based on the data we have collected from the past five years, our largest programs are our legal services, drop-in-services and HIV AIDS services. Our legal services and drop in center services continue to be the services that are in the highest demand. Additionally, we provide twelve different programs through our HIV/AIDS services division. We provide education, testing and outreach to clients both on our premises, in halfway houses and in other sites where our services are needed. Looking back over the past five years, our HIV/AIDS service provision reached a peak in 2007. In 2007 we served (511) clients. This represents a 23% increase in service provision from 2005 (392).
- The women have shared that having Our Place around when they are released helps them to start their reentry with the proper supports and guidance that they are lacking.
- Our most vital partnerships are the Bureau of Prisons, foundations and various community programs.
- Over 50 women call collect each week, seeking legal and reentry advice.

Strategic Approaches to Female Offenders

It has become clear through our work that maintaining partnerships with the institutions that house women is the key to their successful reentry. Through our work we have found that the Bureau of Prisons, the local jails and the Court Services & Offender Supervision Agency (CSOSA) have demonstrated a willingness to partner with Our Place to ensure successful reentry. Our Place staff has been granted unprecedented access to the women while inside the prisons so that when they return home they will have a plan that can be implemented to assist them as they relearn the community they have been away from for sometimes decades.

The work being conducted at Our Place offers a unique opportunity to develop a model of service delivery for female offenders all over the country. Every woman being released from prison whether she's been housed away from home or close still needs support as she reenters the community. And from experience we know that she needs non judgmental, unbiased and

welcoming support to counter the enforcement model that is the criminal justice system. There are great groups doing great and effective work all over the country, yet they struggle every single month to make payroll to support their efforts. Given adequate funding they can impact the needs of many more individuals who sincerely want to make change within their lives. We have appreciated our recent funding through the Justice Grants Administration as we are now able to collect data and track the impact of our work. These funds serve as an investment in the future of this community, and in the future of each woman who benefits from the services delivered at Our Place.

Today, Hope is building a stable future for herself and her family and serves as a role model for many women who enter the doors of Our Place DC. She is lighting the torch for all women who come behind her. Let us give every DC woman the same support and opportunity that Hope had.

Thank you for the opportunity to share our story.

Ms. NORTON. Thank you very much, Ms. McSwain.
The next witness is Zandononi Day.
Ms. Day, we are glad to receive your testimony.

STATEMENT OF ZANDONONI DAY

Ms. DAY. Good morning, Chairman Norton.

I am really, really nervous. I was OK until Ms. Tindel called me yesterday. Anyway, my name is Zandononi Day.

Ms. NORTON. Ms. Day, you have no reason to be nervous.

Ms. DAY. I am. My hands are sweating really, really bad.

My name is Zandononi Day. I am a 47-year-old mother of three adult children who had been a convicted felon since 1986. These challenges and obstacles I have been facing for years. I am just one of those kind of people that like to put people to the test. If you tell me you are going to do something, then I want to know that you are going to do it.

My last conviction was August 2007. I was convicted of distribution of cocaine. I was housed at SFF Hazelton from April 21, 2008, where I was released in June, where I entered the halfway house, Fairview halfway house, from June 30th to September 15, 2009.

I have employable skills. Unfortunately, my CDL expired while I was incarcerated and I didn't have the funds to get one, so I requested that the halfway house give me a referral to D.C. Our Place. Our Place came to Hazelton very, very often, and it made—I actually just wanted to put them to the test, for real.

Being incarcerated was really, really stressful for me. My mom is disabled. I got a daughter that is in the Air Force, and I had two sons, and nobody had transportation to come see me. Well, Our Place made that less stressful because they provided transportation, so I was able to see my family. I was glad to be close to home, opposed to being sent far away.

Our Place helped me. Even though my children are grown, please don't think that we don't go through the reunification process, because we do. You know, we fight harder to be reunified with our kids because they can make their own decisions, because they can choose whether they want to deal with us or not, and my kids were willing to do whatever it took to get back in with me.

Our Place helped me with the reunification process. Even though my kids are grown, it was harder to reunify with them than it is to reunify with smaller kids, because they could make their own decisions, because they could decide whether they wanted to deal with me or not. I went through a whole lot of ups and downs, didn't know what I wanted to do, and Our Place provided that support for me.

After being released from Fairview, I went to a training program because I needed to get skills that I could get employment back into the administrative field. I needed to go through a training program. I went to Our Place and I got my resume done and I sat with the employment counselor and they helped me find a training program. They helped me with clothing and getting identifications and everything that I needed for training.

While incarcerated, I got training through Our Place. I got certified with HIV and AIDS education where I can actually teach HIV and AIDS education.

Not only did I receive service from Our Place, I also received services from a whole lot of community organizations. I went through DOE. That is where I got my training from. I got services from Suited for Change and Dress for Success. But I wouldn't have been able to get those services had it not been for the referrals from D.C. Our Place. They actually did not judge me.

Like I said before, my crimes ranged from distribution of drugs to simple assault to taking property without a right, so I have a long criminal history. I just made the decision that I needed to do something about it. I take full responsibility for everything that I did, and when I walked into Our Place doors I didn't walk into it blindly, I walked into it with an organization that said that they would help me. I applied for two scholarships and got it. Then I got a computer, thanks to D.C. Our Place. I was able to take my P & C class, thanks to Our Place.

Not only do I work for Liberty Tax, actually, I am a supervisor for Liberty Tax now. I also am an office manager for the Herberta J. Jones Insurance Agency. Without getting a scholarship from Our Place, I would not have been able to get my position because I needed that P & C course, property and casualty insurance, so I am also licensed to sell insurance now. But I still can't be appointed with Nationwide or State Farm because of my criminal background. I don't have no crimes against insurance companies. I don't have any crimes against banks, but I can't be employed because I am a convicted felon.

To sum this up real nicely, I have had the opportunity of working with the entire staff of D.C. Our Place, from the executive director to the receptionist. Everybody at Our Place knows me. They provide a great service, both inside and outside. I think mainly because I am the kind of person that don't trust a lot, I actually always put people to the test. Our Place did not fail me. They actually gave me everything I need, and they still support me to this day.

[The prepared statement of Ms. Day follows:]

**Statement by
Zandononi Day**

**Hearing on
“Female D.C. Code Felons: Unique Challenges in Prison and At Home”**

July 27, 2010

Hello, My name is Zandononi Day and I am a 47-year-old mother of 3 who has been a convicted felon since 1986. I am here today to testify about the obstacles that have been placed in my path. Hopefully the information that I provide during this testimony will shine a light on what is needed to assist us with a smooth transition back into society. I have been in and out of the criminal justice system for a long time and my last and hopefully final conviction was August 2007 where I was charged with Distribution of Cocaine. I plead guilty to this charge and was sentenced to 24 months of incarceration. I was sentence under DC Code. I was sent to USP Hazelton on April 21, 2008 to finish out the 14 months that I had left. To some degree I believe that being under DC Code was better than being a federal inmate. I was placed in a new facility close to home and I had total family support and contact throughout my period of incarceration. I must say that no one wants to be incarcerated, but being close to home at a facility where it is easy for family to visit makes a big difference.

I would now like to address the issue of reunification. By the time I was incarcerated, my children were all grown and were able to make their own decision as to whether or not they wanted to deal with me and thank God that they wanted me in their lives. They welcomed me home and did what ever they could to assist me.

Upon my release, I was sent to Fairview Halfway house to finish my sentence and was released back into society fully on September 15, 2009. I must say that having a halfway house is a good idea but their needs to be more support. They need to address all the issues that we are facing and not just the one about being unemployed. You have ladies that do not have employable skill and you have ladies that do not want to return to or cannot return to the work that they once did before their incarceration. I believe that the option of training should be available more than the fact that we just need to find a job. I was facing this issue. Before my incarceration I was bus driver, my license expired and I did not have the means to pay for another CDL. In turn, I sought training with National Housing Corporation Learning Center where I studied Mortgage Loan Processing. The Department of Employment Services funded this class and I was paid a stipend of 400.00 a month. My case manager at DOES was so inspirational that any time that I felt like giving up she would call me with words of encouragement and keep me motivated. Special thanks to Ms. Powell for being there. I completed my training in the top 5 percent of my class. Upon applying or jobs in this field, either there was an issue about experience, credit worthiness or incarceration. The bottom line was I was unable to be placed because I am a convicted felon. Mind you, I do not have any crimes that I have committed against any bank. I have a drug conviction. Let me back up a little. Before

being released from Fairview, I requested referrals from the employment counselor to be sent to Our Place DC. This is where my help really began. I was able to sit with the staff and address the issues that was preventing me from obtain fulltime employment and together we found a program that will give me employable skill.

While attending school at NHCLC the staff there assisted me with obtaining clothing suitable for interviewing and I proceeded to seek employment. Because I did not have a computer at home to do the necessary research and homework required for this class, the staff at Our Place DC allowed me to come to their office and do my homework. I was so grateful to them that I went to the office everyday. The staff encouraged me to fill out a scholarship application and I did and was awarded a scholarship to buy a laptop of my own. I still went to Our Place everyday because I wanted to see the staff. I became a fixture at Our Place and the staff kept me on point. I am grateful to the staff of Our Place DC for their support. I was able to get more clothing from Our Place and I participated in career central and did what ever was asked of me. Many doors were closed in my face because of my criminal conviction but I couldn't give up. I went to employment discussion groups presented by Our Place DC; I spoke one on one with my Mentor (Ms. Tracey Payne), I talked with a therapist who helped me sought out my feelings about what was happening. I have always had employable skills either as a bus driver or an Administrative Assistant/Office Manager. But I just could not get a job anywhere.

A fellow student convinced me to take a class with Liberty Tax and that is where I met my current employer (Ms. Herberta J. Jones). I went to Ms. Jones open and honest and to my surprise she hired me as a part time Tax Preparer. (Thank God for Ms. Jones). Since being employed with Ms. Jones, I continued to seek full time employment with other organizations and once again I got the "we will get back to you." I wasn't allowed to give up.

During my incarceration, I participated in any class I thought would make me a better person. The staff at Hazelton tried to provide as much support as possible to the ladies who were serious about turning over a new leaf. I was serious. I took classes like Life Makeover, How to Start you Own Business, Grant Writing and Pre-release prep. I went and successfully completed a number of classes that were given by my fellow inmates, prison staff and Our Place DC. I believe that because I allowed my self to think in a different way, I am successful no matter what. Ms. Star the release prep teacher (prison staff) put together information that was helpfully to me in finding resources in the Washington DC area.

Oh I forgot. My fulltime position with Liberty Tax ended April 15, 2010 and I went to a part time position where I was paid one day a week on an as needed basis. My mentor would say to me "why not volunteer, at least you will be unemployed and gain some skills," so I did what she suggested. I was a volunteer for the Herberta J. Jones Insurance and Financial Services Agency from May 1, 2010 until July 23, 2010 where I am now a contract employee. Ms. Jones also encouraged me to take the Property and Casualty Insurance class so that I could become licensed to sell insurance. I applied for another scholarship with Our Place DC and was award the scholarship and was able to pay PG

Community College for the class. I successfully completed the P&C Class in May of 2010. Unfortunately, I failed the state exam by 6 points but I am determined to retake the test and pass. Once again, my criminal conviction is playing a part in me getting appointed. I applied with Nationwide Insurance and they denied me appointment because of my criminal history and once again, I do not have any crimes of insurance fraud.

I am telling you this because I believe that the biggest problem that we face is employment. I am a smart and intelligent individual who made some wrong choices and I have paid for the choices that I have made. When does society stop making me pay? I have been exploring the option of applying for apartments and once again I was discouraged because every one is making your criminal record an obstacle in getting housing. Where do I go from here? I would for once like for others to judge me and not my criminal record. I admit to everything that I did and I take responsibility for it, when does society allow me a chance?

Ms. NORTON. Thank you, Ms. Day. See, you had no reason to be nervous, did you? That flowed very easily.

The final witness is Juanita Bennett, who also has been incarcerated. We are pleased to welcome you.

STATEMENT OF JUANITA BENNETT

Ms. BENNETT. I want to thank everybody here today. My name is Juanita Bennett. I was born in Washington, DC. I have one daughter, age of 29.

I was sentenced for distribution of cocaine. I served 96 months, which is 8 years. I was sentenced May 2004. I served most of my time at Coleman Camp. That is where I went at. They said when I got there that I was only housed out there to do straight fair time because I was under the D.C. Code, which I wasn't too much familiar with the D.C. Code, and that I didn't reap any benefits being out there to do the drug program and everything until I was transferred to Tallahassee, because I still requested the treatment program. When I got there, Dr. Marcellas told me that he never heard of a D.C. Code, and he wrote the Justice Department, and they signed it back saying that I was eligible for the time off. This was in 2007.

After that, I was released and I went to the halfway house, where I was at currently, where they allowed me to keep structure in my life and had access to go different places and had the opportunity to go to Our Place so that I could get my credentials, police clearance, vital records, and everything. By being there, the ladies were very open, you know, very concerned.

All the staff is beautiful there at Our Place. They make you feel like you are somebody, you know? They make you feel human. So I enjoyed it, just being there. And when I had the opportunity to volunteer and come back, it felt like I was just giving something back and helping the ladies by volunteering.

And after leaving the halfway house I went to KA. That is a transitional for women and treatment program where I was referred by my CSOSA, and that is where I am at now.

I don't have a lot because I was just, like I said, this was my first experience, and I really made up in my mind that I had to make a better choice for my life, because I am not getting any younger. I am getting older. I have a daughter who, like I said, is in the Air Force, and she is very proud of me for making this step in my life and as far as changing myself around. So as far as the choices and as far as being under the D.C. Code, I think we should provide more housing, job opportunity, training, mentors, and means of transportation. That is the only thing I see as far as D.C. felons need for females, need more of, as far as their needs to be met.

Thank you.

Ms. NORTON. Thank you, Ms. Bennett, for that helpful testimony.

Ms. BENNETT. I am a little nervous, too, because I was excited because I didn't know what to expect and I didn't want to overdo it.

Ms. NORTON. This is not a jail, this is just a Congress.

Ms. BENNETT. I know.

Mr. BILBRAY. We only bite the heads off of executives. Don't worry about it.

Ms. BENNETT. OK. [Laughter.]

Ms. NORTON. Mr. Lappin, that does not include you.

I do want to start with a question for Mr. Lappin. Are D.C. Code felons who receive sentences of 180 days or less typically housed at the D.C. jail?

Mr. LAPPIN. The memorandum of understanding that you referenced will allow that. In fact, I think there are 65 or 70 currently at the jail. That includes some men and some women. I think right now the group is 90 days or less, but it does go to 180 days, and we are working through that. So my guess is the majority of the offenders who are serving 180 days or less or thereabouts, contingent upon bed space being available, will be housed at the jail.

This is noteworthy, because previously being transferred to a Federal prison, by the time they got to the Federal prison it was almost time to transfer them back.

Ms. NORTON. Yes.

Mr. LAPPIN. Which is commonplace. Many of the urban jails around the country we have this relationship, so we are thrilled that we are able to accommodate them at this jail such that, while they are there, they can receive services, as well as begin to work with the staff from CSOSA.

Ms. NORTON. It is an excellent change. Now, was D.C. reimbursed before the MOU for the cost of these prisoners being housed in the D.C. jail?

Mr. LAPPIN. Yes. The MOU includes a reimbursement.

Ms. NORTON. But before they were simply sent out. So Federal funds were paid to send people. How far did you send them? I mean, just in the next available space, it could be halfway across the country?

Mr. LAPPIN. Typically, these that were very short-term offenders, we tried to put it at Cumberland, the institutions in closest proximity of Washington, DC, given the fact we know that we are going to be putting them on a bus back to Washington, DC, within the next few weeks. So, again, it is noteworthy that there is now enough space at the jail and we have come to an agreement with the leadership there, and we appreciate that, such that we can have them serve their time at the jail in lieu of being transferred to one of our institutions. It is a really great way to do this.

Ms. NORTON. Yes.

Now, I just want to make sure. There will be reimbursement now? These people were not, in fact, you say, retained; they were simply shipped out before? Because the District reported to us that some of these people were retained for some period at cost to D.C. taxpayers, although they were, the moment they are convicted, supposed to be in the custody of the Bureau of Prisons.

Mr. LAPPIN. There is an MOU that lays out when the D.C. Department of Corrections pays and at which point the Bureau of Prisons or Federal Government takes over paying.

Ms. NORTON. Now, shouldn't the Bureau of Prisons pay from the moment, according to the Revitalization Act, that these felons are convicted and in the custody under Federal law now of the BOP?

Mr. LAPPIN. We can provide to you the specifics. I believe the Federal Government begins to pay once the inmate is designated to a facility, but I don't have it here in front of me.

Ms. NORTON. Mr. Lappin, there used to be a long period or a fairly long period before designation occurred. It has been reported to us that period has been shortened. Is that so? And how long does it take to designate?

Mr. LAPPIN. The last time I checked it was on average of about 25 to 27 days.

Ms. NORTON. Yes.

Mr. LAPPIN. So you are correct. At one time it was 50, 60, 70 days. I think we are down to 26 or 27 days. Actually, many of the offenders are designated in a much shorter timeframe. The more challenging ones are those that have significant mental health or medical concerns, and it takes us a little more time to gather that information we need to properly place them on the first designation. So we can provide for the record our current average period of amount of time it takes for a designation to occur and some breakdown on the more challenging cases.

Ms. NORTON. So when a prisoner serves 180 days or less, is that prisoner designated in the same way that a prisoner that is to serve 10 years is designated? Do you designate—

Mr. LAPPIN. Yes, they would be designated—

Ms. NORTON [continuing]. Within these 20 days, or whatever.

Mr. LAPPIN. That is correct.

Ms. NORTON. Yes.

Mr. LAPPIN. So they would be designated to the jail, and we would assume financial responsibility for that.

Ms. NORTON. That is important, because this has been the subject of some confusion in the city.

Now, you heard Ms. Bennett's testimony. I want to make sure I understand. She was a female in Florida and apparently that Tallahassee staff were unfamiliar with the D.C. Code and initially denied her services which were later, I think, rendered to her. Could you tell us whether or not, given the 115 different facilities where D.C. inmates may now be housed, whether all are now familiar—what is it, 10 years?—with D.C. Code prisoners and whether we would have this situation to occur again.

Mr. LAPPIN. Well, I am sorry that did occur. There are times when confusion did take place. However, as you now know, we have all of the female offenders at eight facilities. I am confident that our staff there are knowledgeable of the D.C. Code and, as a result of recent legislative changes, they have the same opportunities as Federal female offenders.

So the one confusion was the eligibility for time off, for example, for drug treatment. They have always had the opportunity or should have to drug treatment. At one point they didn't have the legal authority to time off, but that is no longer the case, and that has clarified things and they are treated just like everyone else is treated in regard to drug treatment time off and things of that nature.

Ms. NORTON. I certainly congratulate you for that. The time off gives an extraordinary incentive for the inmate to straighten out his life while in jail, really preparing for reentry.

I am going to go. I have additional questions, but I am certainly going to go to the ranking member, Mr. Bilbray, at this time.

Mr. BILBRAY. Thank you, Madam Chair.

I absolutely agree with you. It is really kind of sad that we talk about things like substance abuse being a major social and cultural problem, and how do we expect to be able to control the general population when we can't even address the issue within a control population? That is kind of scary.

We are not going to get into how it is getting in and back out, because I think that there is a lot we can do more among ourselves who are operating the facility on that issue. I don't think we look at ourselves or our employees enough critically. We always figure it was the inmates, visitors. It is somewhere. The inmates are going into it. I think we have to look at our own operation a little stronger on that.

Staying away from controversial issues, do we test for literacy level when we take the ladies into custody, when they are introduced into the system?

Mr. LAPPIN. Yes. Today when an inmate arrives they take an inmate skills test. That includes literacy assessment, vocational assessment. It addresses nine skill areas that the Bureau of Prisons has identified that we find many inmates lack, to include their ability to manage a mental illness to their ability to cope with medical ailments, what they do or don't do in their leisure time.

So an assessment is completed and we are now making efforts to ensure that every one of the 115 prisons, or all of those that house individuals for a period of incarceration, have programs to address each of those skill deficits, and we are encouraging inmates to participate in programs to address those skill deficits, whether it is making better use of your leisure time or getting a GED or getting a vocational certificate. But every one of our facilities will have programs to address those skill deficiencies. It was all part of the Second Chance Act.

Mr. BILBRAY. We found with our testing, and it might have been because there is so much second generation immigrants in our operation, that it was a much bigger problem than we ever dreamed it was. And we are talking about the functionally illiterate problem. It is one thing to be able to function at a certain level, but how tough that was. In the D.C. population is that still a problem? I am just coming from my little corner of the world.

Mr. LAPPIN. I don't have the specifics across the board. In my opinion, it is a problem throughout our population, whether they are from the United States or from other countries.

Mr. BILBRAY. Have we integrated into the system before they get over to Ashley having to address this, before they ever show up to her front door step? Do we have a system that integrates the inmates into not only the learning process, but Ashley training them to be in the training process, too?

Because one of our great successes down in the southwest corner is we actually have inmates being trained in the literacy programs to be able to then train inmates as they come in and detainees while they are in the process. Do we integrate the detainees into the teaching and the training program, or is it totally kept separate? In other words, the trainees are always outsiders coming in?

Mr. LAPPIN. I am not sure I understand the question.

Mr. BILBRAY. The question is: do we have a program that trains the inmates. I am trying to remember. I have a mental block. What

do you call the inmates that are given special supervising responsibilities? Come on, guys. Everybody knows about it.

Mr. LAPPIN. Trustees.

Mr. BILBRAY. Trustees. Do you have trustees that the trustees have the ability to become literacy teachers and actually participate in the program, or do we just bring people in and try to teach it from the outside?

Mr. LAPPIN. We have a combination.

Mr. BILBRAY. Thank you.

Mr. LAPPIN. I'm sorry I missed it there at first.

Mr. BILBRAY. That is OK. It has been a long weekend for me.

Mr. LAPPIN. The majority of our education classes and vocational classes are taught by a Bureau of Prisons employee or a contractor. They may have students who have completed the course who assist them with tutoring and things of that nature.

Mr. BILBRAY. OK.

Mr. LAPPIN. However, we have another program called ACT, Adult Continuing Education, that offers other opportunities to learn, and many of those classes are taught by trustees or inmates who have shown a proficiency in those areas. But the majority of our GED and vocational classes are taught by our teachers or contract teachers who we hire from a community college or elsewhere. They may have a group of trainees or inmates who assist them.

Mr. BILBRAY. OK.

Mr. LAPPIN. So it is a combination of both.

Mr. BILBRAY. I mean, I am of the belief that the more you integrate the trustees into the process, the more it not only helps the inmates but also helps the trustee and really starts building that bridge into a productive life outside. Because they have gotten into the habit of taking on responsibility, being trusted with responsibility, the self-awareness and the self-esteem that comes with that.

But also the fact that who knows to teach better than somebody who has been able to basically say I have walked that mile? I think that we under-estimate the potential for somebody who is in detention to learn how to teach. Frankly, I think it makes the best teachers in the long run. That is just from my personal experience on that.

Ashley, do you have special emphasis for literacy programs? Do you have contacts with the literacy groups to be able to make these outreaches as people are coming out?

Ms. MCSWAIN. Yes, we do have relationships with literacy groups and a GED program, and we also go into the facilities and offer HIV and AIDS prevention training, where it is peer facilitated, so the inmates are taught prevention and HIV and AIDS awareness, and then they teach it to other inmates. So we facilitate that at Hazelton and at Alderson.

Mr. BILBRAY. Thank you very much.

Thank you, Madam Chair.

Ms. BENNETT. And the halfway house.

Ms. MCSWAIN. And the halfway house.

Ms. NORTON. Mr. Davis.

Mr. DAVIS. Thank you very much, Madam Chairman.

Mr. Lappin, since we know that at the base of incarceration for many individuals is substance abuse, misuse, and, although there

are programs, I am often, I guess, called by individuals who indicate that they can't get into a program, that there is not room in the program.

So my question is: do we have enough facility in terms of substance abuse treatment, to accommodate the individuals who need it and are seeking it?

Mr. LAPPIN. I assume you are asking me?

Mr. DAVIS. Yes.

Mr. LAPPIN. We do today. It is a great question. It was an area of enormous concern for us over the last 2 or 3 years. Soon after the law was passed that mandated that we provide drug treatment to any inmate who we determined needed drug treatment and volunteered for drug treatment, we were able to meet that requirement for all of the years until about 3 years ago when, in fact, our waiting lists were too long and we did not have adequate funding to hire enough treatment specialists or add enough programs to reduce the waiting list such that we would treat all of the inmates.

This past year we have been able to do that again. We are now treating 100 percent of the inmates who we believe need treatment and volunteer for treatment. So how many is that? If you would like to know, about 52 percent of the inmates in Federal prison are in for a drug-related offense, and about 40 percent of those we believe have a drug or alcohol addiction. Today, 92, 93 percent of those inmates are volunteering for treatment. That is noteworthy. About 7 percent are declining.

Last year I think we put about 18,000 to 19,000 inmates through the 500-hour residential drug treatment program. They successfully complete it.

So yes, sir, we have this past year again been able to hire enough people to treat all of those people who have requested treatment.

Mr. DAVIS. Thank you very much.

Maybe you can answer this question. During the health debate, the health reform debate, we ran into situations where there was a lot of discussion. I am not totally certain of what the answer was. When individuals are in halfway houses and it is getting close to time for them to be released, they have completed their sentences, who pays or who is responsible for their health care at this point? We have run into some situations where there was just a lack of clarity in terms of who pays or who is responsible for the health care at that point.

Mr. LAPPIN. As long as they are an inmate of the Federal Bureau of Prisons, we are responsible for their care. So in that halfway house, and actually even while they are on home confinement, we have a responsibility there, and so we are paying for the health care of the individuals who are in the halfway house. Now, I am not sure if that is true in States, but it is in the Federal system.

Mr. DAVIS. So if they end up going to a county facility, does that mean that the county facility can now bill the Bureau of Prisons for that care and they will be reimbursed?

Mr. LAPPIN. That is a very good question. What we expect our halfway house contracts to include is an arrangement with a local health care provider. We don't want this to be a surprise issue, so part of the contract requires that they already have a contract with

someone so that if the person becomes ill there are services available.

Now, if the person is so ill that it cannot be provided, we will bring them back to the Bureau of Prisons and we will put them back—we have had this happen—put them back in one of our hospitals where we can provide that care until they are released. The transition occurs when that sentence has ended. The next day they have to be transferred to a family or social entity who can absorb that expense.

Mr. DAVIS. Thank you very much. I am really delighted to know that we are able to provide the drug treatment for individuals now who need it. Thank you.

Ms. NORTON. Thank you particularly for your leadership on the Second Chance Act.

Ms. Poteat, I believe in your testimony you indicated, and I don't have it before me, that women were now being treated in the drug treatment center here in the state-of-the-art drug treatment facility. Is that the case?

Ms. POTEAT. No, ma'am. What I said was this fall this is where we are going to now open a 15-bed unit at the RSC on the grounds of D.C. General Hospital, so they will be housed there.

Ms. NORTON. This is a matter of major concern. We heard testimony. I think Ms. LaVigne said that half of these, greater than half of these women who go to prison had a heroin habit before coming into prison. Many of these women, frankly, were led into such habits by the associations, particularly with males. Now, as I understand from our last hearing, there were no beds set aside for women; is that true?

Ms. POTEAT. No. There were beds at the RSAT program, which was—

Ms. NORTON. The what?

Ms. POTEAT. At the D.C. jail, and we were working collaboratively with them for the 18 women that—

Ms. NORTON. Wait a minute. Let me understand. Where were men treated?

Ms. POTEAT. That was at the RSC facility, and you are correct, there were no beds initially. Now we are going to phaseout a unit and place women in that center.

Ms. NORTON. This is very important testimony. And when did you say that is going to begin?

Ms. POTEAT. This fall.

Ms. NORTON. Did you call that a pilot program?

Ms. POTEAT. No. This will not be a pilot program. This will be a full stage program. We are in the process of moving out offenders off a unit now that are already there. We have to work very closely with the Bureau of Prisons for those folks that have been designated to the RSC program so that alternative arrangements will be made there.

In addition, we have to amend our contract, our medical contract, because we need to provide additional services for women that will now be housed at the RSC and do some training for our staff.

Ms. NORTON. Thank you, Ms. poteat.

Now, Ms. LaVigne, you indicted that distance may not be correlated or we may not have figures on correlation between distance

and recidivism, but you indicated that there has been research correlating family contact and recidivism. Would you discuss that, please?

Ms. LAVIGNE. What we found is a couple of things. One, people who have more contact with their family members are more likely to report that they have stronger levels of family support upon release. We have also found that people with higher levels of family support are less likely to engage in substance use after their release, and we know that those who refrain from substance use are less likely to return to prison.

Ms. NORTON. Mr. Lappin, what are the recidivism rates for D.C. prisoners, for men and for women?

Mr. LAPPIN. I don't know that I have off-hand the specific recidivism rates. The average recidivism rates for Federal offenders, of which they are a part, is about 40 percent, 41 percent. But I will check with our research staff to see if, in fact, we have specific recidivism rates for D.C. offenders. I am not sure that we do, but we will check, and if we do we will provide it for the record.

Ms. NORTON. I very much appreciate it, and I appreciate your keeping those figures, again because I was very pleased to note that you began your—I have it marked here—testimony in a way that I was very pleased to hear. You said on page 1 of your testimony, “while the number of female D.C. Code offenders is quite small compared with the entire population, we remain mindful of our unique role as the State Department of Corrections for the District of Columbia.”

That is very important it seems to me, in everything that we are discussing here, that yes, there is to be some important integration into the facility, but Congress was mindful that it was putting a very important challenge to you, that these are State prisoners with very different kinds of needs. Sometimes they are more serious felons than the kinds you have been accustomed to, and there are a number of other kinds of challenges and accommodations that are going to have to be made for this to succeed, so I appreciate that understanding.

Ms. McSwain, what caught my eye, among many things in your testimony, was on page 10 where you say some inmates are placed in home detention for a brief period at the end of their prison terms.

Ms. MCSWAIN. Yes.

Ms. NORTON. They serve a portion of their sentences at home under strict schedules, curfew requirements, telephonic monitoring, and sometimes electronic monitoring. Five D.C. Code offenders are on home detention. Why aren't there more? And would you tell us something about home detention? Maybe you and Mr. Lappin can enlighten us on home detention.

Mr. LAPPIN. Let me make a run at this.

Ms. MCSWAIN. OK.

Mr. LAPPIN. Inmates are eligible to serve a portion of their sentence on home detention. I believe it is up to 10 percent. We are using this—

Ms. NORTON. I'm sorry? Up to 10 percent?

Mr. LAPPIN. Of their sentence.

Ms. NORTON. Can be served on home detention?

Mr. LAPPIN. Yes. And we are using this more widely. When either inmates who we identify in advance of transfer from prison to the community who we believe have the skills and the abilities and the wherewithal, they have some family support, we believe they have the skills to acquire a job.

We, in fact, are transferring some directly from prison to home detention in lieu of putting them in a halfway house. The majority of them are going to the halfway house for a period of time to get established, reaffirm our belief that they could be successful on home detention, and then we transfer them to home detention.

We are doing this for a couple of reasons. One, we want to free up those halfway house beds for the most needy inmates we have, those that don't have the family support, those that don't have necessarily the skills we would like them to have to acquire the jobs. They need more structure, more direction than some who already have those skills and have family support.

So we are trying to better utilize the beds that we have, and in doing so we are trying to reserve those beds in the halfway house for the individuals who have the most critical need, been incarcerated longer, lack family support, don't necessarily have the skills that we would like them to have to acquire jobs.

We have that wherewithal within this community, and I think that is noteworthy, Congresswoman. I mean, many communities resist accepting the returning offenders and we can't even get halfway houses. Here, we are fortunate to have Hope Village and Fairview and an organization like Our Place. We need more of them—I applaud their work—such that when that transition occurs there is support in the community from family, friends, or social organizations. Those we find are going to be far more successful offenders than those who don't have those kinds of services.

Ms. NORTON. Let me understand. How many women are in the halfway house at the moment, at Fairview?

Mr. LAPPIN. There are—

Ms. BENNETT. About 60 or better.

Ms. NORTON. Ms. Bennett knows all so well. All right. Sixty. Now, there are only five D.C. Code offenders on home detention. That seems like a quite small number, especially because women have normally not been convicted for violent offenses. Why is that number so small, especially given your over-crowding, the need for the space at Fairview and the like? Only have one place in D.C. for women, so you would think there might be more.

Mr. LAPPIN. My numbers reflect that right now we have 24 at Fairview. There are three on home detention. Without a doubt, when we compare the female D.C. Code offenders to our other female Federal offenders, they have many more challenges in the way of support. Many of them are homeless. We can't put them on home detention unless we are satisfied—I am saying this is the case, but without a doubt bigger challenge for us, because they sometimes don't have that family support or structure that we believe is necessary.

Again, I would have to go back—and I can certainly do that—and look at the 21 that are there to see whether or not we are overlooking somebody that could go, but the halfway house has to have confidence, as do we, that if we put them out there in the community

they are going to be in a situation that is supportive and nurturing of that transition. If we are unsure, we leave them in the halfway house.

Ms. NORTON. That certainly makes sense, Mr. Lappin.

Do you, Ms. McSwain, supervise the women on home detention?

Ms. MCSWAIN. No.

Ms. NORTON. Who does?

Mr. LAPPIN. That would be the staff at Fairview, in this case. They are not here.

Ms. NORTON. Oh, Our Place.

Mr. LAPPIN. It is a support organization for both Fairview and the Bureau of Prisons.

Ms. NORTON. We had Fairview here at a prior hearing.

Mr. LAPPIN. Yes.

Ms. NORTON. Ms. Day, you say in your testimony, "I am a smart and intelligent individual." I must say, in your testimony you certainly demonstrated that.

Ms. DAY. Thank you.

Ms. NORTON. I hope that the initial nervousness was overcome, I think, by the very intelligence you described.

Now, you say in your testimony, though, "To some degree I believe that being under D.C. Code was better than being a Federal inmate." What do you mean?

Ms. DAY. Well, when I got to Hazelton there were a lot, and I think because it was a new facility. They put a whole lot of programs in place, and they didn't differentiate whether you were a Federal prisoner or a D.C. Code prisoner. Everything was open to everything.

Ms. NORTON. You were a D.C. Code?

Ms. DAY. Yes, I am a D.C. Code prisoner, but everything was open to us. The only thing that was not open to me was the drug program, because I didn't have the 24 months. By the time I got to the Feds, I only had 14 months left.

Ms. NORTON. So what is the difference here?

Ms. DAY. The difference is that a lot of the prisoners that I was incarcerated with that were not D.C. Code prisoners had longer sentences. They were shipped way, way away from home. They were not eligible for some of the programs because of what their charges was. They have a program at Hazelton where the inmates actually watch other inmates that are on suicide watch. I was able to do that. Some of the other prisoners weren't able to do that.

Ms. NORTON. But were you able to do that only because you were a D.C. Code?

Ms. DAY. No. I don't think so. I think it was because I expressed an interest. They were shipping ladies out left and right. I stayed at home. For whatever reason, I stayed close to home.

Ms. NORTON. So you benefited by staying—

Ms. DAY. Yes, I did.

Ms. NORTON [continuing]. Close to home?

Ms. DAY. I actually did benefit by staying close to home. I have always had real good family support. The only reason why I didn't have visitors on a regular basis is because my Mom is disabled, but I was able to call home every day. I e-mailed home every day. And

when I came home, my family was at the halfway house waiting on me.

Ms. NORTON. Now, you have been in prison on more than one occasion?

Ms. DAY. No.

Ms. NORTON. No? Just once?

Ms. DAY. I have only been in prison once.

Ms. NORTON. Just once?

Ms. DAY. Only been in prison once. I have a lot of charges. I have a lot of convictions.

Ms. NORTON. That is a difference. I see.

Ms. DAY. Yes. I do. I have a lot of convictions. But I have only been in prison once.

Ms. NORTON. Those convictions came pursuant to this incarceration?

Ms. DAY. Yes. And all of my convictions are a direct result, I have a 30-year drug history. I have a sporadic drug history, and when I am not using I do exactly what I am supposed to do. I maintain employment. I take care of my kids. I become a responsible member of society.

Ms. NORTON. What freed you from the drug habit?

Ms. DAY. You know what? I don't know. I don't know. I guess I am tired. I honestly believe, because I have been in several different drug programs, unless you are tired, drug program ain't going to work anyway. If you get a year off or you get twenty years off, if you ain't tired it ain't going to work. And I guess that I was tired.

I got a whole lot of support from my family. I burned bridges. I burned a lot of bridges, but my family didn't see that. And then I got support from Our Place that I got from no place else. You have agencies that go through the motions, and they do according to what their contract say that they do. I got an e-mail to everybody at Our Place. It don't matter what I am going through; all I need to do is e-mail somebody and I get an e-mail right back, I get a phone call right back. I got a mentor this time.

I don't do NA and AA because something about listening to stories kicks up a feeling, so I don't do them. But my mentor is actually my sponsor, and we talk about everything.

Ms. NORTON. And you were incarcerated where again, please?

Ms. DAY. SFF Hazelton.

Ms. NORTON. Hazelton?

Ms. DAY. Hazelton. Yes. And we had a conversation when you came to Hazelton, and my question to you was actually why didn't people who had 24 months or less able for the drug program? I didn't care about the time off. I maxed out September the 15th anyway, whether I went to the drug program or not. But I think when a person with a drug history like mine, I used everything from a Bayer aspirin to you name it. I think I should have been entitled to the drug program because I asked for it.

Ms. NORTON. You say a certain number of months. Ms. Day says a certain number of months are involved in access to the drug program.

Mr. LAPPIN. There are actually two different programs. There is a non-residential program, which does not require any minimum

stay, and any inmate can participate in it. It is not nearly as intensive. It is more education based, and you don't live in a unit with the other inmates.

The residential program, the \$500 residential drug abuse program, requires a minimum of 24 months. That is to get you through almost a year-long, more intensive treatment, followed by a period of time in a halfway house where that treatment continues, and then on to release. That is why there is a minimum requirement.

Ms. NORTON. I see. It is just more intense. You need the time—

Mr. LAPPIN. Yes.

Ms. NORTON [continuing]. In order to complete the program.

Ms. Bennett.

Ms. BENNETT. Yes, ma'am?

Ms. NORTON. You were incarcerated far from home?

Ms. BENNETT. Yes. Yes, ma'am.

Ms. NORTON. How many facilities?

Ms. BENNETT. Just straight to Coleman in Tampa, Florida.

Ms. NORTON. In Florida?

Ms. BENNETT. Yes. And that is where I did the majority of my time down before they made me eligible to go to Tallahassee for the drug program.

Ms. NORTON. And you did receive—

Ms. BENNETT. Yes, ma'am.

Ms. NORTON [continuing]. The intensive residential drug program?

Ms. BENNETT. Yes, ma'am, the 500. I successfully completed it.

Ms. NORTON. Do you believe it is that program that freed you from drugs?

Ms. BENNETT. No, ma'am, I surrendered myself when I went to prison, when I sat in a cell downtown, I knew that I was giving up. You know, everything that I used to do, I knew I couldn't do it any more, so I surrendered myself.

Ms. NORTON. Mr. Lappin, here is a D.C. resident. When were you incarcerated, Ms. Bennett?

Ms. BENNETT. May 2004.

Ms. NORTON. Who was sent to Florida. Are there any women like Ms. Bennett that far away from home? Now, you heard what Ms. Day said, just being this close to home apparently was instrumental in her rehabilitation, so that now she is a tax preparer. Are there any women outside of the facilities that are no more than 500 miles from the District of Columbia?

Mr. LAPPIN. There are. There are 11. I looked at all 11 of those. Actually, there are 36 if you include the 25 that are at Carswell. So there are 25 women outside the 500-mile distance who are at Carswell, probably for medical care or because they volunteered to participate in the life connections residential program, which is a residential-based volunteer program. Beyond that there are 11 who are outside the 500 miles. There are six at Tallahassee, there are four at Waseeka, and there is one in Dublin.

Ms. NORTON. Yes.

Mr. LAPPIN. And the majority of them either have separatees at one of the other facilities or more that are in closer proximity as

they can't be housed with someone, or, unfortunately, they have been disciplinary problems. One, in fact, has been moved 10 times. And so those are the 11 we have currently that are outside the 500-mile, besides the 25 that are at Carswell.

Ms. NORTON. Well, it looks like, at least within the constraints that you have, it looks like the BOP is making an effort. Could I ask that you make a further effort so that no D.C. woman who did not have special issues would be outside of the 500 mile or 250 mile?

Mr. LAPPIN. We will certainly make the effort. As I have shared with you before, it is typically medical——

Ms. NORTON. We understand.

Mr. LAPPIN [continuing]. Or they have many separatees who are incarcerated, so they can't be housed——

Ms. NORTON. Well, these 11, are all of these women in those special categories?

Mr. LAPPIN. I believe all 11 of these are. I will check to make sure, but I think all 11 of them fall into one of those categories, either health care, separatees, or discipline.

Ms. NORTON. Well, if these women were flagged so that only those, and perhaps they have been if you say all 11 fall into these special categories. Then, of course, we would be getting somewhere.

As you know, Mr. Lappin, while it would take a further effort, it does seem to me, given the number of facilities that the BOP has, that a facility could be converted to the District of Columbia where men and women could, indeed, be placed. I recognize the difficulty, but other than the administrative difficulties and the issues involved in such a conversion, would you regard that as at least something of a possibility?

Mr. LAPPIN. We can consider that, although, as I have said before, I believe that it would be less safe than what we have today.

Ms. NORTON. Less safe?

Mr. LAPPIN. Less safe.

Ms. NORTON. Why would it be less safe, Mr. Lappin?

Mr. LAPPIN. I won't say so much so for the women, but more so for the men in that we, again, believe that facilities that are balanced, both racially and geographically, are safer than facilities that are——

Ms. NORTON. Mr. Lappin, 50 percent, as Mr. Davis indicated, of felons are African American men. I mean, I understand that there have been court suits and we want to make sure we are not segregating people, but of the values, penology values, the notion that—I suppose I would have to ask you. I can understand the notion of safe, but, Mr. Lappin, these are State felons.

The Congress regarded BOP as capable of handling State felons, so the notion that it would be more difficult to have people who are more likely to be convicted of murder and armed robbery, yes, it would be something special that perhaps you would have to conform to, but compared to being in 115 facilities scattered throughout the planet, as far as they are concerned, do you think the BOP is incapable of handling violent State prisoners within a facility if they were in the same facility?

Mr. LAPPIN. Many of our inmates are violent offenders——

Ms. NORTON. You have some notorious——

Mr. LAPPIN. Absolutely.

Ms. NORTON [continuing]. Drug offenders who have shot up the world. You have the worst bank robbers in the United States. Now, you are able as a Federal facility to spread them out, and it is a Federal facility. Excuse me, they have been convicted of a Federal crime, and so they are not entitled to be treated, it seems to me, as D.C. residents are, because they are Federal felons. Once you are a Federal felon, those are the rules.

The rules, however, have to take into account what it means to be a State felon who, unlike a State felon in Maryland or Virginia, could at least get to see a relative or a minister every once in a while, and to be a State felon in Florida, and then to be expected to come home and do right and be right. That is the kind of accommodation that, if one is thinking about this with fresh eyes, one has to at least begin to contemplate.

Mr. LAPPIN. Reality is though, Congresswoman, that all of the offenders we have who are U.S. citizens are residents of a State that they are going to return to, so they have the same reentry challenges as the D.C. offenders have. So I—

Ms. NORTON. Congress has made—

Mr. LAPPIN. I struggle—

Ms. NORTON. Congress has made a judgment that when you have a Federal rap you are going wherever we send you. Congress has made a judgment that when you are a D.C. felon we are going to try to bear in mind you are a State felon and we are housing you in Federal facilities only because the District can't house you any longer. That is the only difference here. So I think it is very, very dangerous to simply equate somebody who has been convicted of a Federal felony with the State prisoners that you are charged with.

Mr. LAPPIN. Let me just finish the response. Although they are from the District, I see them with similarities as far as reentry needs, but beyond that, in the day-to-day operations of running a prison, we have the benefit in the Federal system, unlike States, to be able to distribute this population such that we believe it creates a safer environment. Can we run a facility with inmates from one location? We could. I am just saying to you that I believe, as do our other managers and administrators, that it would not be run as safely as what we run today.

Ms. NORTON. Accepted. So the two values involved here are the specific pains and steps that the BOP administratively would have to take if these prisons were housed together versus the difficulty of reentry and the recidivism and the other issues that attend it when these people are scattered all over the country. One has to put those together and then decide which is the prime value: safety of residents in the District of Columbia who these felons will affect their own possibility of successful reentry, or the administrative difficulties the BOP has in housing a more violent set of prisoners. Those are the two values, Mr. Lappin.

Mr. LAPPIN. I think the one that takes precedent is the safety in the prison.

Ms. NORTON. And you say you can—

Mr. LAPPIN. If we can't run it safely—

Ms. NORTON. Can you maintain a safe prison of D.C. felons housed together, or not? Are you capable of doing it or not?

Mr. LAPPIN. Not as safely as we do——

Ms. NORTON. As safely. Yes, you know, I can tell you it can be even more safe if you put them all in confinement by themselves so that nobody—you know, it would be real safe for everybody if you can never see the day of light until they get out. In life we have to make judgments. There is no perfect world.

We do know, however, that if you are in Alabama or Florida or North Dakota and you have not seen a soul for 10 or 20 years, that it is going to be very difficult for you to cross the District line and be a law-abiding citizen and fit in just like everybody else, Mr. Lappin. That is a value that you have to at least consider when deciding whether or not the present system accommodates sufficiently D.C. residents who are housed there.

All I am asking you to do is consider it. I want your mind to be open, sir. We didn't put D.C. residents in a Federal prison just to fit them into some slots.

Mr. LAPPIN. We will certainly consider it.

Ms. NORTON. Thank you, Mr. Lappin.

Mr. Davis.

Mr. DAVIS. Thank you very much, Madam Chairman.

Let me just ask you, Ms. Day and Ms. Bennett, if each one of you would respond, What would you say has been most helpful to you in your effort to successfully reenter as a regular citizen?

Ms. BENNETT. As doing what I am supposed to as far as doing what I need to do to get back into society, and that is staying away out of trouble and doing what I need to do to move forward.

Mr. DAVIS. That is what you have determined——

Ms. BENNETT. Yes.

Ms. DAY [continuing]. And what you have done. Is there anything that any program or the system, as we call it, has been helpful or any external force?

Ms. BENNETT. Especially Our Place and Federal City and the CHIPS recovery treatment program that I just graduated for has kept me on the right track, so I'm like where I'm at in my recovery is just moving forward.

Mr. DAVIS. So you are saying the program has been helpful——

Ms. BENNETT. Yes, sir.

Mr. DAVIS [continuing]. In terms of helping the way you think——

Ms. BENNETT. Yes.

Mr. DAVIS [continuing]. And the way you think about life and doing things?

Ms. BENNETT. In general, yes.

Mr. DAVIS. And that has been beneficial to you?

Ms. BENNETT. Yes, sir.

Mr. DAVIS. Ms. Day.

Ms. DAY. First I have to say that I made a decision. I made the ultimate decision that I just didn't want to, whether it is safe or not in the BOP, I didn't want to be there. So when I came home, like I said before, I am the kind of person that will put you to the test. If you tell me that these are the services that you are going to offer for me and this is the help that you are going to give me, then I am going to put you to the test.

And Our Place was really, really instrumental in helping me stick to my decision, because I had some rough times. I did. Of course I told you my Mom is disabled. She has been disabled for 20 years. My daughter just kind of threw grandchildren in my lap. It was, "you need to do, you are supposed to do." And I stayed at Our Place complaining. I got a mental place. I complained to all of my case managers from DOES.

Our Place helped me with getting my domestic violence counselor. My significant other tried to kill me. As a direct result, he stabbed me. I took all of that to Our Place and I threw it in their lap. They said they was going to help me with it, so I gave it to them. And they did. And they did. They have not failed me yet.

I know that there are other organizations out there that provide support for individuals, but when you have a person like me—and, again, I am a very intelligent person. I am actually working on my degree. I got all the support I needed from Our Place. If I e-mailed them a piece of paper and asked them, "can you read this and give me some suggestions?" I get it right back. I don't do nothing without going through them first, because they have been so instrumental in helping me put the pieces together, where I would have gave up a long time ago. Our Place didn't let me.

Mr. DAVIS. So you are saying essentially the same thing, that things helped you with the way you think about yourself and about life and what you will do, notwithstanding what any programs or anybody else is saying?

Ms. DAY. Yes.

Mr. DAVIS. That ultimately you have to decide that you are going to do certain things?

Ms. DAY. Yes.

Mr. DAVIS. And, of course, I think programs can help people to do that.

Ms. DAY. Yes.

Mr. DAVIS. I mean, it sometimes changes the way that they think, and once they reach the threshold now they are OK because they are going to do what is necessary to be more in compliance with societal expectations.

Ms. DAY. Yes.

Mr. DAVIS. Thank you both, and thank all of the witnesses. Madam Chairman, thank you.

I yield back.

Ms. NORTON. Thank you very much, Mr. Davis.

Ms. McSwain, I think it is a tribute to you and Our Place that Ms. Day would say what she said.

Ms. MCSWAIN. Yes.

Ms. NORTON. You say you can do it? Here. Here are a bunch of problems. And she said you never failed her. This is very heartening to hear.

Ms. MCSWAIN. Yes.

Ms. NORTON. It is the kind of personal testimony that does indicate that programs that are as deeply committed as yours can have an affect.

Ms. MCSWAIN. Yes, thank you. We see quite a few Ms. Days come through the doors of Our Place.

Ms. NORTON. Do you receive Federal funding?

Ms. MCSWAIN. We don't. We receive funding from the Justice Grants Administration, which come through the D.C. Government, but we don't receive funding directly from the Federal Government. We do not. We could use it though. [Laughter and applause.]

Ms. NORTON. OK. Mr. Lappin, I was very interested in your testimony beginning at page 2 where you talk about the crowding: 93 percent of our high-security cells, 100 percent of all medium security are double bunked?

Mr. LAPPIN. That is right.

Ms. NORTON. Medium security, 15 percent triple bunked. Now, you are going to have some relief because these short-term D.C. felons are going to be here, and I congratulated and commended you for the MOU in my own opening remarks. The next step would seem to be, since all felons come back home, to do the 90-day program with as many of them as possible who are not short-term felons but who could get access to the long and very excellent list of reentry services if they, too, assuming space could be brought back. You have to pay for them to come back, anyway. It would relieve overcrowding.

Is there any reason not to begin also, if space is available, to move people like Ms. Bennett from Florida 90 days before the expiration of her sentence to the D.C. jail to give her access to reentry programs there?

Mr. LAPPIN. We will certainly look at that. Our first objective is to address the short-term offenders. We have to accept the fact there is a limit on how many beds are available. I think within a few months we will be able to determine where we stand with the short-term offenders, have everything in place, work out any concerns, and at that point we can consider that we would.

There will be additional expense. We can't deny that. But we will certainly look at that.

Ms. NORTON. What is the additional expense?

Mr. LAPPIN. It is cheaper for us to transfer them back to D.C. to a halfway house via public transportation.

Ms. NORTON. Couldn't they still go to a halfway house?

Mr. LAPPIN. Absolutely. They may still. We continue to do that.

Ms. NORTON. Via public transportation meaning how would they come back?

Mr. LAPPIN. They normally come back on a Greyhound bus or something.

Ms. NORTON. I see. Because they are released?

Mr. LAPPIN. Yes. We buy them a ticket, they come back.

Ms. NORTON. I see.

Mr. LAPPIN. They arrive at the halfway house. Whereas the 90-day transfer would require the Federal Government to move them.

Ms. NORTON. I see.

Mr. LAPPIN. It is more expensive.

Ms. NORTON. Yes.

Mr. LAPPIN. It will also cost more money to house them at the jail, so there are additional costs.

Ms. NORTON. No. You relieve some of the money cost. That is relieved of some of what it costs you in food and lodging, not to mention this horrific, horrific crowding you talk about.

Mr. LAPPIN. It is actually cheaper for us to keep them in one of our facilities than to house them at the jail.

Ms. NORTON. Triple bunked? Triple bunked? Double bunked? You know, it is better for us, so let's go us first. Is that safer, double bunking and triple bunking people?

Mr. LAPPIN. I said that, space available, we would look into it.

Ms. NORTON. All right, sir. I am only asking for an open mind here. Penology is a developing science based on circumstances. You have an enormous challenge, and that challenge is: can BOP in fact successfully house State prisoners? Or will this statute be a failure? You are doing well, but challenges are becoming more and more clear the longer we have people at the Bureau of Prisons.

On May 5th we asked you, because we are so concerned, about our men and women being spread across the country. We asked you about placing videoconferencing equipment at every BOP facility that houses D.C. Code felons, so at least you can say, Hi out there D.C. I don't know what it is like here in Wyoming, but I am glad to see a face there that I know.

You can see this bothers me tremendously, because I think you are dumping some problems in our lap, Mr. Lappin. When you give them a bus ticket, send them home homeless, there is not enough room for them in a halfway house, who do you think is going to pick up that slack?

So I am trying to deal with this the best way I can, in keeping with your rules, so let's start with videoconferencing. Any progress on investigating whether you could do more videoconference? We have it at Rivers. I don't think we have it anywhere else. If we do, I would be glad to hear about it.

Mr. LAPPIN. We do not, and we are exploring what technology is available that would allow us to connect. It is going to be complicated a little bit because this has to go through the Justice network program, so there are security requirements that are going to be burdensome, but we are certainly exploring that, not only for people from Washington, DC, but other offenders who are far from their homes, as well.

Ms. NORTON. I am glad to hear it, because I think, given the fact that you have Federal prisoners who are in the same position as D.C. prisoners, although incarcerated under different code, under different circumstances. Anything that helps people go home and reintegrate into civil society would be, I think, welcome.

Mr. LAPPIN. Well, I believe in years to come this will be used widely. But, again, there are some limitations on technology and we have to make sure we abide by the security limitations.

Ms. NORTON. Let's do this, Mr. Lappin, because I asked you about this on May 5th. We are 3 months later. Thirty days I would like you to submit to the chairman of this subcommittee what progress you are making on videoconferencing and in what facilities. Thirty days.

Mr. LAPPIN. Sure.

Ms. NORTON. Just progress. We don't say have in place; we just want to know progress.

We were concerned that the Correction Information Council, that is a local D.C. Council that was set up by the District so that the District could go into BOP facilities, was, in fact, not functioning.

I think they gave up even appointing people. You were going to see what was necessary so the members of this Council could visit BOP facilities in the normal course. What progress has been made in that regard?

Mr. LAPPIN. I am not sure that anyone has reappointed members. It was my understanding that someone was going to alert them that we are willing to move forward. We have a program statement or a memorandum of understanding in draft form.

Ms. NORTON. Well, it is true that we would need a memorandum of understanding between the CIC or the District government and the BOP. Could you initiate that memorandum of understanding so that we could proceed here?

I would ask CSOSA, Ms. Poteat, if you would work with Mr. Lappin and the appropriate D.C. officials to see if something of the kind was possible. In that case, at least there could be some officials from the District who could report back and forth.

There is lots good to report. I have visited your facilities. But our folks just don't have any idea about them.

Mr. LAPPIN. We will reach out to the District government and see if we can arrange a meeting to see where we are going to go. We have the MOU. We just need some people appointed. We will reach out to them and respond back to you.

Ms. NORTON. Thank you very much, Mr. Lappin.

You indicate on page 7 of your testimony that you need new legislation to expand the Federal Prison Industries. What did you mean by that?

Mr. LAPPIN. As you know, Federal Prison Industry was created back in 1933, and it gave certain statutes and mandates for the operation of that. Over the course of years, some of the requirements have been watered down by other legislation, the mandatory source requirement being one, that has resulted in fewer opportunities for us to employ inmates in prison factories.

Ms. NORTON. So this is statutory?

Mr. LAPPIN. This is statutory.

Ms. NORTON. Yes.

Mr. LAPPIN. I tell you, this can get complex.

Ms. NORTON. Yes.

Mr. LAPPIN. We would love to meet with you and/or your staff, address the details, rather than burdening the entire group here with this. It has been ongoing for 15 or 20 years. We believe we run safer prisons, because we have inmates productively employed and we know, based on our research, that those who work in Prison Industry are less likely to recidivate and more likely to get a job.

On the other hand, some are critical of the fact they believe we may be taking jobs away from law-abiding citizens, businesses. We don't want to do that, either.

Ms. NORTON. Yes.

Mr. LAPPIN. So we kind of need to figure out how we can move forward and provide the jobs without having as much of an impact on other citizens' businesses. But I would offer you the opportunity to sit down and chat about Prison Industry.

Ms. NORTON. I would very much like to do that, because I see two legitimate concerns here.

Mr. LAPPIN. Absolutely.

Ms. NORTON. Very legitimate concerns, especially in this kind of job climate, if people feel you can go to jail and get a job.

Mr. LAPPIN. Absolutely.

Ms. NORTON. There might be people lining up to get into the BOP these days. There are five people for every job available out here, and so there is legitimate concern. On the other hand, if there are some things you do, and I know I have some idea from visits, some of those things, then I would very much like to meet with the appropriate staff. Some of this may not require statutory change.

Mr. LAPPIN. We would love to work with you. I mean, they learn work skills, not necessarily vocational. They learn to come to work on time, they learn to work with peers, they learn to work with a supervisor. These are skills that many of them lack because they have not been in that type of environment prior to incarceration. So, again, we would love to work with you on this issue.

Ms. NORTON. Now, I have one final question. As I understand, Ms. McSwain, you work in the prisons, as well?

Ms. MCSWAIN. Yes. We go into the facilities and implement programming, so we just—

Ms. NORTON. That is what I would like to discuss finally, the relationship you have with effective reentry organizations like Our Place. How does that work, and how can we get more of it?

Mr. LAPPIN. Would you like me to start?

Ms. MCSWAIN. Sure.

Mr. LAPPIN. We think this is a great opportunity, and in fact in our opinion this kind of sets the example of what could occur if there were more willing participants like Our Place and correctional organizations that are willing to allow this to occur, and so the more contact that a local entity, support group, can have with the inmate during reentry, I believe the more successful we are going to be.

Ms. NORTON. Mr. Lappin, what I am trying to find out is the mechanics. How did Our Place get into the prisons?

Ms. MCSWAIN. Well, the founder was working in the prison doing programming, and she built Our Place to respond to the needs of the women reentering. Through that process, she began to build relationships with the prison officials, and during my term I have reached out to the programming directors within the prisons, talked about our work, and because they are very interested in the needs of female offenders they have invited our programs in.

Ms. NORTON. So what do you do?

Ms. MCSWAIN. So we go to FDC Philadelphia, Hazelton, Alderson. We offer employment programming, so we talk about how do you talk about your employment history, your incarceration history, to an employer. We have an HIV and AIDS awareness program, where it is a program called SISTA where we teach the inmates about HIV and AIDS awareness and prevention. We train them. They train other inmates. We offer legal—

Ms. NORTON. Are these D.C. inmates or general?

Ms. MCSWAIN. All D.C. inmates.

Ms. NORTON. Are there other places, other programs like Our Place in Federal prisons?

Mr. LAPPIN. There is another organization called Hope House operated by Carol Fenley.

Ms. NORTON. I know her.

Mr. LAPPIN. She actually facilitates weekend retreats or events where parents and the children of the incarcerated can go to institutions and spend 2 or 3 days interacting. So there are several other organizations. It is not widespread around the country. I see the most of it here in Washington, DC, which is encouraging. But, again, I don't know what is happening at every one of the local 115 prisons, but this is noteworthy work.

Ms. MCSWAIN. Also, our newest program was to bring case management into the facilities 4 months before a woman is released, and then also follow her 6 months after she is released. With that project, the prisons have been very open to allowing us to support the woman while she is still in custody, and that program is done at Hazelton and FDC Philadelphia and Fairview Correctional Treatment Facility.

We have also built a relationship with CSOSA so that we can also continue to support the woman when she is released. So it requires a collaboration with all of the institutions that are touching the women before they are released and once they are released into the community, having Our Place provide some guidance and some coaching as they manage all of these various relationships.

Ms. NORTON. You do this work pursuant to grants from the D.C. government?

Ms. MCSWAIN. I have one grant from the D.C. government. It was a recent grant, and that has allowed us this pilot project. We don't have a lot of grants from the D.C. government.

Ms. NORTON. So is it private philanthropy?

Ms. MCSWAIN. A lot of foundation grants. We have the HIV and AIDS Administration—I guess that is D.C.—also funds our prevention program. But we are struggling for funding.

Ms. NORTON. It sounds to me as though you have multiplied your effect in quite extraordinary ways. You serve 1,324 women, 634 were in custody.

Ms. MCSWAIN. Yes.

Ms. NORTON. And 241 at Fairview.

Ms. MCSWAIN. Yes.

Ms. NORTON. So most of the women you served were in custody?

Ms. MCSWAIN. Yes. We go into the facilities every single month. Every single month we go to Philadelphia. Every other month we go to Hazelton. Every single week we are either at Fairview or CTF.

Ms. NORTON. In light of the fact that even these facilities are not within walking distance or easily accessed, we need to know more about this in-prison work because it is reentry work.

Ms. MCSWAIN. Yes.

Ms. NORTON. Ms. Poteat, is CSOSA in prison?

Ms. POTEAT. We go to the Rivers Correctional Facility and we do resource day there, where we take a host of not only potential vendors or employers, we take mentors, we take the Department of Housing, medical services, and we start working with the offenders prior to their release.

In my testimony I indicated now we will be working very closely with Our Place in doing the mentoring right now with Hazelton and FDC Philadelphia, and so we will do resource days with them, as well, in the future.

Ms. NORTON. Well, to tell you the honest-to-goodness truth, Ms. Poteat, I would like to see you have the kind of presence in institutions that apparently this small organization has. I mean, have you served 1,324 prisoners in the kind of way she is talking about, with HIV/AIDS and—here she says 634 were in custody, 241 were at Fairview, and the balance was in the community; 60 percent received legal counseling, 23 percent received birth certificates. What does that mean?

Ms. MCSWAIN. Meaning that when the women are released from custody and they are trying to get into a housing program, they need birth certificates.

Ms. NORTON. Their own birth certificates?

Ms. MCSWAIN. Yes.

Ms. NORTON. Twenty-one received funding for identification, and 17 percent received funding for police clearance. Are you doing that in prisons, in the Federal prisons, Ms. Poteat?

Ms. POTEAT. We help people get the Social Security cards and we help them get the non-driver's identification. We work with Department of Motor Vehicles.

Ms. NORTON. Once they get back here?

Ms. POTEAT. That is correct.

Ms. NORTON. Ms. Poteat, I would like to see a greater presence of CSOSA in prisons. To do that, you would probably need additional staff. Ms. McSwain I'm sure needed some, too. She's a whole lot smaller. This is something I would like to work with you, with the appropriators. Pending trying to deal more forthrightly with re-entry, we have to do something about these 115 facilities.

Now, I can't expect CSOSA to go across the country, but Rivers, for goodness sakes, that is only one facility, and it does seem to me that if we have a small organization like this which has put itself right in the prison, put itself there, that we ought to investigate giving CSOSA more of a presence so that your job isn't made doubly hard because you can't touch prisoners, most of them, can't have a touch with them until they get back home.

She has some early and systematic contact, albeit it with far fewer, although I am telling you the numbers here are fairly impressive.

We have to find ways to bridge this gap, and it means thinking more creatively than we have done. CSOSA does a fine job once people get back here, but you are already behind the eight ball. You can't affect facilities that are some distance away.

But there is more than Rivers to affect. And there is more that we should be doing to push videoconferencing. It shouldn't be just me at hearings pressing this. Mr. Lappin is going to see what he can do, but the lack of communication between our people and home is clearly a big issue in this town, and we have to do better in finding a way to, in fact, incorporate everything we do to increasing that contact.

Mr. Lappin.

Mr. LAPPIN. Let me just clarify. I think that the opportunity for videoconferencing with CSOSA is much more viable and likely than videoconferencing for visiting. That is more complex.

Ms. NORTON. Say that again.

Mr. LAPPIN. The videoconferencing with another Federal agency like CSOSA is very doable, which might facilitate some of that in lieu of travel.

Ms. NORTON. Certainly. That is how you have been doing it before, I think, anyway.

Mr. LAPPIN. I want to clarify. The dilemma with videoconferencing is more so with trying to offer that to citizens to visit with their family who are in prison, so that is going to be a little more complex.

Ms. NORTON. But CSOSA should be the intermediary that facilitates that.

Mr. LAPPIN. But I think the videoconferencing opportunities between us and CSOSA are much more an option that could put them into more of those facilities to have more direct contact with people, if that is amenable.

Ms. NORTON. That is excellent. You see, there is a marriage right there, Ms. Poteat.

Ms. POTEAT. Yes. And we have already started that marriage, as we have expanded that. That is correct.

Ms. NORTON. Thank you very much.

I want to thank each and every one of these witnesses. There are six of you. Obviously, the officials get asked more and tougher questions, but I assure you that the testimony of each of you is very valuable to us.

I do have a special word for Ms. Day and Ms. Bennett. You break down stereotypes when you agree to appear at a hearing like this. You enlighten us in ways most of us have no other way to discern. We just do not have enough contact. And yes, the whole world is judgmental when it doesn't have contact. It took guts to come here. You have plenty of guts, and I thank you for your guts.

[Applause.]

Ms. BENNETT. It sure did.

Ms. DAY. Thank you.

Ms. NORTON. The hearing is adjourned.

[Whereupon, at 12:25 p.m., the subcommittee was adjourned.]

