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Testimony of

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Before the

**U.S. House of Representatives**

**Committee on Appropriations**

**Subcommittee on Commerce, Justice, Science, and Related Agencies**

on

**“What Works” for Successful Prisoner Reentry**

March 12, 2009

Washington, DC

Chairman Mollohan, Ranking Member Wolf, and Members of the Subcommittee:

I am honored by this invitation to appear before you to discuss the issue of prisoner reentry and the critical question of the effectiveness of interventions designed to promote successful prisoner reentry. I applaud the Subcommittee for the series of hearings you have held this week on the challenges facing federal prisons, drug treatment, the evaluations of the federal Serious and Violent Offender Reentry Initiative (SVORI), and innovative reentry programs. It is commendable that a committee of our Congress had devoted an entire week to these important issues.

My testimony this morning is divided into four parts. First, I will discuss the scale and scope of the reentry phenomenon. Second, I will draw the connection between the reentry phenomenon and public safety. Third, I will summarize recent research findings on the issue of program effectiveness. Fourth, I will recommend new directions for the Congress and the nation as we search for policy initiatives that will promote successful reentry and reintegration of the hundreds of thousands of individuals leaving state and federal prisons, and the millions leaving our jails each year.

### **I. Scale and Scope of the Reentry Phenomenon**

Our nation has never before witnessed the phenomenon of prisoner reentry at the scale we see today. Of course, ever since prisons were first built, people incarcerated in our prisons have returned home when their sentences were completed. But today, more people than ever before are making this journey home. According to the Bureau of Justice Statistics, more than 700,000 leave our state and federal prisons each year.<sup>1</sup> Thirty years ago, fewer than 200,000 made this journey home. Why has the prisoner reentry population increased? There is a simple explanation: more people are coming home because we are putting more people in prison. Over the past generation, we have more than quadrupled the rate of incarceration in America, and our prison population now stands at 1.6 million people. There is a very simple and immutable "iron law of imprisonment"<sup>2</sup>: except for those who die in prison, everyone who goes to prison ultimately returns home.<sup>3</sup>

As we consider the ramifications for this unprecedented reentry phenomenon in America, we should also keep in mind these salient realities:

- **Jail Reentry:** Each year, an estimated 13 million individuals<sup>4</sup> leave our nation's jails. Put another way, jails have contact in three weeks with about as many individuals as prisons release each year.

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<sup>1</sup> U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (2008). *Prison Inmates at Midyear 2007*. Bulletin June 2008, p. 4.

<sup>2</sup> Travis, J. (2005). *But they all come back: Facing the challenges of prisoner reentry*. Washington D.C.: The Urban Institute Press.

<sup>3</sup> Approximately 95% of all incarcerated individuals ultimately return home. About 40% of those in prison today will be released within the next year. Petersilia, J. (2003). *When prisoners come home: Parole and prisoner reentry*. New York: Oxford University Press.

<sup>4</sup> These are 13 million releases from jail, consisting of about 9 million individuals, some of whom are released more than once. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (2008). *Jail Inmates at Midyear 2007*. Bulletin June 2008, p. 2.

- **Expanded Supervision:** Approximately 70% of those released from prison are placed on supervision, up from 60% in the early 1970s, and the nature of supervision has shifted from service oriented to surveillance oriented, resulting in a seven fold increase, between 1980 and 2000, in the number of people sent back to prison for parole violations.<sup>5</sup>
- **Invisible Punishment:** As the prison population and parole population have increased, the number and extent of collateral sanctions, called “invisible punishment”<sup>6</sup>, have also increased. People with felony convictions are now barred from many jobs, benefits, and other forms of civic participation.

The net effect of these realities is profound: a large number of individuals, 90% of them men, are every year removed from their families and communities, held in the nation’s prisons and jails, and then returned home facing substantial barriers to reintegration. A majority of these individuals come from a small number of communities in urban America; these communities, already struggling with poor schools, poor health care, and weak labor markets, are now shouldering the burden of reintegrating record numbers of returning prisoners.

In recent years, the nation has witnessed a remarkable surge of policy interest and innovation in response to these realities. Beginning in the Clinton Administration, when Attorney General Janet Reno called for new approaches to prisoner reentry, and continuing under the Bush Administration, with the Serious and Violent Offender Reentry Initiative (SVORI) and the President’s Reentry Initiative (PRI), the federal government has demonstrated commendable leadership. A particularly powerful moment was the eloquent statement by President George W. Bush, in his 2004 State of the Union Address, announcing his administration’s commitment to a multi-year federal reentry program and declaring that: “America is the land of second chance, and when the gates of the prison open, the path ahead should lead to a better life.”<sup>7</sup>

The legislative proposal that flowed from this commitment – the historic Second Chance Act, signed into law by President Bush almost exactly a year ago – is of historic importance. Broadly bipartisan, encompassing a variety of reentry initiatives, the Second Chance Act marks a turning point in our nation’s history. And now, with the inclusion of \$25 million to fund the Second Chance Act in the omnibus budget currently before Congress, we can say that we have entered a new era. Furthermore, the decision by the Obama administration to request \$75 million for reentry programs in the 2010 budget signals the support of President Obama for a national reentry strategy.

Before turning to the question of the effectiveness of reentry interventions, I would like to put the issue of federal funding in proper context. As welcome as federal funding might be, we should recognize that the amount of federal funding does not track the scale of the reentry phenomenon. One rough calculation makes the point: if federal funds were evenly distributed across the cohort of individuals leaving state and federal prisons – spending no money on jail reentry, or on families and communities of those incarcerated – we would spend about \$100 per returning prisoner. The point is obvious: if the federal government

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<sup>5</sup> U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (2008). *Prison Inmates at Midyear 2007*. Bulletin June 2008, p. 19. Travis, J. (2005). Travis (2005).

<sup>6</sup> Travis, J. (2002). Invisible punishment: The collateral consequences of mass imprisonment. In M. Mauer & M. Chesney-Lind (Eds.), *Invisible punishment: The collateral consequences of mass imprisonment*. New York: The New Press.

<sup>7</sup> George W. Bush (2004). State of the Union address to joint session of Congress January 20, 2004.

wishes to make a significant change in the experience of people leaving prison, much more money will be needed.

## II. The Public Safety Nexus

As we consider the most effective strategies to address the challenges of prisoner reentry, we must consider the objectives of those strategies. In my view, there are two overarching goals – to promote public safety (by reducing recidivism rates), and to promote prisoner reintegration (by connecting returning prisoners with the indicia of citizenship, including work, family, peer groups, community, and democratic responsibilities and participation such as voting). I wish to call attention to the first of these goals, but do not want to diminish the importance of the second.

The public safety dimensions of reentry can be considered through three lenses. First, we should acknowledge that the recidivism rate of returning prisoners is very high. If “recidivism” is defined as one or more arrests for new crimes over a period of time, then we can say, using Bureau of Justice Statistics (BJS) data, that the three-year recidivism rate for individuals leaving state prisons is over two-thirds (67%).<sup>8</sup> And about one-half of returning prisoners are re-incarcerated within that three year period. The challenge we face is daunting: to make significant reductions in this very high rate of re-arrest.

The second lens on public safety is particularly important when considering the effectiveness of prisoner reentry interventions. The rate of failure – as defined by re-arrest – is significantly higher in the initial months following release. According to BJS, 30% of all arrests over the entire three-year period occur within the first six months. We should view these statistics as posing a very specific challenge to our approach to reentry. If the risk of failure is highest in the first six months, then we should devote our efforts and resources to reducing the rate of failure in those months. It’s a very simple, but revolutionary concept: we should front-end our reentry services and align our resources to match the risk.

The third lens on public safety and reentry underscores the policy imperative we face. Because our crime rates have fallen to historic low levels, and because the size of the reentry population has risen to historic high levels, the percentage of all arrests in a jurisdiction that can be attributed to individuals recently released from prison, has grown steadily. In 1994, the arrests of prisoners released in the previous three years accounted for 13 percent of all arrests. By 2001, that figure had increased to more than 20 percent.<sup>9</sup> This very simple mathematical reality underscores the importance of developing reentry programs that are effective at reducing rates of failure. Stated differently, we have an opportunity to reduce crime (as measured by arrests as a proxy for crime) by focusing on a relatively small, known population, and giving them the tools and supports needed to succeed.

## III. Effectiveness of Reentry Interventions.

About thirty years ago, a team of researchers reviewed the extant literature on treatment programs for offenders and reached a sobering conclusion, captured in a short-hand phrase: “nothing works.”<sup>10</sup> This

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<sup>8</sup> Langan, P., and D. Levin. 2002. *Recidivism of Prisoners Released in 1994*. Washington, DC: Bureau of Justice Statistics.

<sup>9</sup> Rosenfeld, Richard, Joel Wallman, and Robert Fornango. 2005. “The Contribution of Ex-Prisoners to Crime Rates.” In *Prisoner Reentry and Crime in America*, edited by Jeremy Travis and Christy Visher (80–104). New York: Cambridge University Press.

<sup>10</sup> Martinson, R. (Spring 1974). “What Works? - Questions and Answers About Prison Reform,” *The Public Interest*, pp. 22-54.

statement (which was not quite accurate at the time) certainly cannot be repeated today. Just the opposite. In the intervening years, researchers have developed an impressive body of studies that underscore the effectiveness of a variety of interventions. Steve Aos and colleagues at the Washington State Institute for Public Policy have surveyed the literature and found a number of rigorous evaluations that lead to the following conclusions about program effectiveness (showing average recidivism reduction rates, and the number of studies compiled):<sup>11</sup>

- **In-prison drug treatment** programs (called therapeutic communities), especially those with a community component, can reduce recidivism by about 6.9% (six studies)
- **Drug treatment in jail** can reduce recidivism by 6% (nine studies)
- **Drug treatment in the community** can reduce recidivism by 12.4% (five studies)
- **Cognitive behavioral therapy** can reduce recidivism by 8.2% (twenty-five studies)
- **Correctional industry programs** can reduce recidivism by 7.8% (four studies)
- **Vocational education and training programs** can reduce recidivism by 12.6% (three studies)
- **Employment training and job assistance** in the community can reduce recidivism by 4.8% (sixteen studies)
- **Adult basic education** may (weak findings) reduce recidivism by 5.1% (seven studies)
- **Intensive supervision** based on treatment program can reduce recidivism by 21.9% (ten studies)

This literature has also produced a set of guidelines for effective programs.<sup>12</sup> If we want to design programs to reduce failure rates, we should:<sup>13</sup>

- Focus on behavioral outcomes, targeting criminogenic needs, using positive reinforcements
- Target high risk offenders
- Use risk assessment instruments
- Begin treatment in prison and provide continuity in the community
- Provide intensive interventions for at least six months

We also have a very good sense of what interventions do NOT work. We know, from a variety of evaluations, that intensive supervision does not reduce recidivism rates.<sup>14</sup> We also know, from a landmark study conducted by the Urban Institute, that supervision itself does not reduce recidivism:

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<sup>11</sup> Aos, S., P. Phipps, et al. (2006). Evidence-Based Adult Corrections Programs: What Works and What Does Not. Olympia: Washington State Institute for Public Policy. Available at <http://www.wsipp.wa.gov/rptfiles/06-01-1201.pdf>.

<sup>12</sup> Andrews, D. and J. Bonta (1998). *The Psychology of Criminal Conduct*. Cincinnati, Ohio, Anderson Publishing; Cullen, F. and P. Gendreau (2000). Assessing Correctional Rehabilitation: Policy, Practice, and Prospects. *Criminal Justice 2000*.

<sup>13</sup> Petersilia, J. (2004). *What Works in Prisoner Reentry? Reviewing and Questioning the Evidence*. Federal Probation. Volume 68, Number 2. Available at [http://www.uscourts.gov/fedprob/September\\_2004/whatworks.html](http://www.uscourts.gov/fedprob/September_2004/whatworks.html)

<sup>14</sup> Petersilia 2003. Aos, S., P. Phipps, et al. (2006). Evidence-Based Adult Corrections Programs: What Works and What Does Not. Olympia: Washington State Institute for Public Policy.

individuals placed on parole supervision after prison are no less likely to be rearrested than individuals released with no supervision.<sup>15</sup>

We should view this emerging body of research very positively. We know far more than we did a few decades ago about program effectiveness. We can now move toward a policy of evidence-based programming, so that all correctional and community-based programs can be assessed to determine whether they are carried out according to these principles. We expect that this shift toward evidence-based policies will be facilitated and accelerated by the creation of the Reentry Resource Center as envisioned by the Second Chance Act. Finally, this body of research allows us to see the potential for measurable reductions in recidivism. In fact, according to the best estimates of researchers in this field, if we could implement effective programs for all returning prisoners, with all the resources needed, we could expect recidivism reductions of about 15-20%. And, we can also state with great confidence that these investments would be cost-effective: they would pay for themselves by reducing future criminal justice and corrections costs.<sup>16</sup>

The implications of this body of research for congressional action are quite clear. Congress should require that federal funding support only two types of investment: (1) programs of proven effectiveness; and (2) rigorous research demonstration projects that will test new ideas and expand the body of knowledge to include more effective interventions. Taxpayer funds should NOT support programs that merely sound like they might work, and should not support programs that lack a strong basis in research. Along these same lines, Congress should encourage states to develop certification processes to ensure that all state-funded reentry programs are evidence-based.

#### IV. **New Approaches to Prisoner Reentry.**

These advances in our research knowledge present a complex challenge to the nation. We can now state, with considerable confidence, that we can intervene in the lives of returning prisoners and reduce their rates of failure, particularly their rates of re-arrest for new crimes. We should now marshal our resources to fund those interventions and to insist that all reentry programs meet a standard of proven effectiveness. But even in the best of circumstances, after a substantial investment of new resources, this strategy would produce modest results, perhaps on the order of 20% reductions in recidivism rates.

We should not be satisfied with these results. In my opinion, we can only achieve results that match the magnitude of the reentry phenomenon if we recognize that our approach has been too timid. We have been constrained by a medical model that focuses on individual-level interventions, rather than also embracing an ecological model that focuses simultaneously on the community context within which individuals are struggling to thrive after prison. The next chapter of innovation in this area should test ideas that attempt to change the *environment* to which individuals return home. Allow me to cite four promising innovations:

- **Offender Notification Forums.** As part of its Project Safe Neighborhood (PSN) initiative, the City of Chicago launched an Offender Notification Forum. In designated neighborhoods, individuals recently assigned to parole or probation, who had a history of gun violence and gang participation, were requested to attend a forum hosted by the PSN team. In these forums, the

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<sup>15</sup> Solomon, A., Kachnowski, V., and Bhati, A. (2005). Does Parole Work? Analyzing the Impact of Postprison Supervision on Rearrest Outcomes. Washington, DC: The Urban Institute.

<sup>16</sup> Aos, Steve, Polly Phipps, Robert Barnoski, and Roxanne Lieb (2001). The Comparative Costs and Benefits of Programs to Reduce Crime. Seattle: Washington State Institute for Public Policy.

offenders would sit for an hour or more with representatives from state and local law enforcement agencies, community representatives, and service providers. The first part of the meeting, led by the law enforcement representatives, focused on the consequences of gun crimes, both for the individual and for the neighborhood. The second segment featured a talk by an ex-offender who had turned his life around, who stressed the impact of violence on the community, the problems of intra-racial violence, and the seriousness of the PSN initiative. The third segment focused on choices offenders can make based on alternatives that are available, including job training, education programs, drug treatment, temporary shelter and counseling.

- According to a recently published evaluation of the PSN initiative in Chicago,<sup>17</sup> the intervention has been “remarkably effective in reducing neighborhood crime rates.” There was a 37 percent reduction in homicide rates in the target neighborhood after the program began, compared to the previous three years.
- **Comprehensive, Interagency Initiatives.** The Boston Reentry Initiative (BRI) is a stellar example of a comprehensive, interagency initiative, bringing together law enforcement, social service agencies, and faith institutions. It is exemplary in that it focuses squarely on individuals posing the highest risk, and starts working with those individuals within 45 days of their admission to the Suffolk County House of Correction (the local jail). Each month, the interagency team identifies between 15 and 20 high risk individuals. Representatives of social service organizations describe the services that can assist with a successful transition. Law enforcement, probation and parole representatives describe the consequences of re-offending in the community. Caseworkers and faith-based mentors then start to meet regularly with the participants. On the day of release, the institution arranges for either a family member or mentor to meet them at the door. They are then encouraged to continue working with these service providers after release.
  - According to a recently published evaluation,<sup>18</sup> the “BRI was associated with significant reductions – on the order of 30 percent – in the overall and violent arrest failure rates.”
- **Reentry Courts.** The Second Chance Act calls for the support for the creation of reentry courts, although Congress has not yet appropriated funds to support these innovative courts. The concept of a reentry court, first proposed nearly ten years ago,<sup>19</sup> is taking hold, particularly in the federal system where many federal districts now have at least one reentry court operational. As with the PSN initiative in Chicago, and the BRI in Boston, the reentry court represents a new way to coordinate available services, and created a new “ecology” of reentry. By placing a judge (or magistrate) in the role of reentry manager, these courts, which draw upon the successes of drug courts and other problem-solving courts, create a different relationship between returning prisoners and the criminal justice system. They provide for coordinated services in ways that are

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<sup>17</sup> Meares, Tracey, Andrew W. Papachristos and Jeffrey Fagan (2009). Homicide and gun violence in Chicago: Evaluation and summary of the Project Safe Neighborhood program. Review of Research: [http://www.psnchicago.org/PDFs/2009-PSN-Research-Brief\\_v2.pdf](http://www.psnchicago.org/PDFs/2009-PSN-Research-Brief_v2.pdf).

<sup>18</sup> Braga, Anthony A., Anne M. Piehl, and David Hureau. *Controlling Violent Offenders Released to the Community: An Evaluation of the Boston Reentry Initiative*. Rappaport Institute for Greater Boston Working Paper Series, September 2008.

<sup>19</sup> Travis, J. (2000) But They All Come Back: Rethinking Prisoner Reentry. Sentencing & Corrections Issues for the 21<sup>st</sup> Century: Papers from the Executive Sessions on Sentencing and Corrections, Number 7. U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, May 2000.

not possible in traditional parole systems. Although reentry courts have not yet been rigorously evaluated, some early findings are promising and show reductions in recidivism rates.<sup>20</sup>

- **Community-based Interventions.** Around the country, there are a number of demonstration projects that are testing a very new reentry model, namely a community-based approach to reentry. Recognizing that some communities are experiencing very high rates of incarceration and reentry, these projects approach reentry as a community phenomenon. These programs create coalitions of community organizations to interact with every person returning home from prison. They attempt to create a different climate in the neighborhood, one promoting successful reintegration. They devote community resources to supporting returning prisoners. One such program – the Baltimore Reentry Partnership – was evaluated by the Urban Institute and was found to be associated with a substantial reduction in homicides, from 2 homicides and 11 attempted homicides in the comparison group to no homicides and no attempts in the treatment group.<sup>21</sup> In Chicago, the Safer Foundation is testing such a community-based program in East Garfield Park, called Safer Return. In New York City, Mayor Bloomberg has supported the creation of the NYC Justice Corps, which provides transitional employment for young people in two New York City neighborhoods, Bedford Stuyvesant and the South Bronx. In each community, a local organization is serving as a convener, bringing together these young people and community organizations to proposed community benefit projects they can carry out.

These demonstration efforts represent a new frontier in reentry innovation. They do not focus exclusively on individual-level interventions. Rather, they create a coalition of support for individuals returning from prisons and jails, bring together law enforcement and community leaders, communicate clearly about the consequences of illegal behavior, and provide a clear pathway out of a life of anti-social conduct. In supporting the next wave of experimentation – and in finding new ways to reduce recidivism and promote public safety – I urge Congress to provide funding, guidance and evaluation for these promising innovations.

We have reached an important moment in our nation's history. With record high incarceration rates, unprecedented extension of state supervision over individuals leaving prison, and a complex maze of legal barriers to reintegration, more people than ever before are returning home after serving time in prison, and are facing daunting barriers to successful reintegration. In these circumstances, the leadership of our federal government in the reentry arena is commendable, and the level of innovation in the world of practice is impressive. Yet our reentry policies are still quite primitive; we are just now beginning to develop an approach to reentry based on evidence of best practices. At this moment, it is critically important that we continue to invest in rigorous evaluations to tell us which interventions are effective at promoting public safety and prisoner reintegration. Perhaps more important, we need the federal government to support the development and testing of new ideas, particularly ideas that recognize that successful reentry is more than an individual act of will. Successful reentry requires strong community support networks and comprehensive services. Interventions that reflect these principles may hold the greatest promise for success.

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<sup>20</sup> Allen County Community Corrections Re-entry Court, Fort Wayne, IN. Cost Effectiveness of controlled re-entry: Inmates returning to Allen County, Indiana 4 Year Study 2001-2005. Retrieved March 10, 2009 from the World Wide Web at <http://www.allencountycorrections.com/ReEntryCourt.html>.

<sup>21</sup> Roman, J., Lisa E. Brooks, Erica Lagerson, Aaron Chalfin, and Bogdan Tereshchenko (2007). Impact and cost-benefit analysis of the Maryland Reentry Partnership Initiative. Available at <http://www.urban.org/url.cfm?ID=311421>.