

## **The Poverty Forum: Community Factors**

### **Reducing Recidivism among Ex-Offenders**

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**Area:** Community Factors – Recidivism

**Issue:**

Over the past seven years, a remarkable consensus has developed among progressives and conservatives about the need to reduce recidivism among ex-offenders as well as to create strategies to help keep those who have served criminal sentences from re-offending and returning to prison. This consensus resulted in the enactment of the Second Chance Act of 2008 promising the establishment of the first comprehensive federal re-entry policy. Congress and the new president should seek to capitalize on this momentum by working to fully fund the Second Chance Act and consider a package of new initiatives that will strengthen community efforts to reduce recidivism.

**Problem:**

The state and federal governments of the United States incarcerate more than 2 million people. The Bureau of Justice Statistics estimates that 12 percent of all African-American men in their late twenties were in prison or jail in 2005. Due to these high levels of incarceration, nearly 650,000 adults return each year from prison – often to the same communities and neighborhoods in which they were arrested. Ex-offenders frequently find themselves in communities under siege from a host of other social ills and themselves lack the relationships and access to services and employment that could support their transition to life outside prison.

Given this combination of problems – large numbers of returnees, stressed communities, lack of services, and barriers to employment – the results are unsurprising: the U.S. Department of Justice estimates that two-thirds of ex-offenders will be rearrested for new crimes within three years of release, and about 40 percent will return be re-imprisoned. The fiscal impact of incarceration, estimated at more than \$50 billion last year, is staggering particularly when state budgets are staggering under the impact of an economic slowdown. The human cost – in new crimes and wasted lives – is quite literally beyond measure.

The good news is that substantial progress has been made over the past decade in creating new models of re-entry that address the key problems faced by returning offenders. Demonstration programs at the U.S. Departments of Labor and Justice have shown that community-based, mentor-supported and employment-focused re-entry programs, we can improve opportunities for ex-offenders and the communities in which they live and thereby dramatically reduce recidivism. The Ready4Work and Prisoner Re-entry Initiatives, joint efforts by DOL and DOJ that embody these principles, have cut recidivism between 15 percent and 50 percent compared to national averages.

The mentoring component of these initiatives has proven to be far more consequential than originally envisioned. Participants who take part in voluntary mentoring are twice as likely to find jobs and 56 percent more likely to remain employed for three months or more than those who do not take part in mentoring. Human and social capital development for ex-offenders is likely to remain an important key to successful reintegration and reduced recidivism.

Beyond these fundamental efforts to re-establish relationships between ex-offenders and their communities and expand employment opportunities, there are a number of important initiatives that should be undertaken to strengthen opportunities for employment and participation in civil society. Policy review and development is needed around the creation of quality jobs for ex-offenders (i.e. those that will provide enough pay and benefits for the returnee to meet basic life needs and support children and families), the reduction of barriers to employment (e.g. the routine use of the “felony box” on employment applications), the appropriate expunging of criminal records, examination of barriers to employment in federal, state and local governments, and the restoration of voting rights for convicted felons.

### **Solutions:**

The new Congress and Administration should fully fund programs authorized under the Second Chance Act and continue support for programs that provide community-based, mentor-supported, and employment-focused re-entry strategies. In addition, the federal government, working with state and local governments, should lead efforts to reduce legal and employment practice barriers to ex-offender hiring, and work toward the restoration of voting rights for individuals with felony records.

### **Policy Recommendations:**

- 1) Fully Fund the Second Chance Act – The Second Chance Act, which was signed into law in April, 2008, authorizes \$130 million for a wide variety of programs, activities and studies including:
  - up to \$55 million per year for states, units of local government and tribal entities to help states and communities test ways of reducing recidivism
  - up to \$20 million per year to the Department of Labor to assist ex-offenders in finding and retaining employment
  - up to \$15 million per year for mentoring activities to assist ex-offenders
  - up to \$10 million per year to assist states and localities in establishing Reentry Courts that help coordinate access to necessary services
  - up to \$10 million per year to states for drug treatment alternatives to incarceration
  - up to \$10 million per year for family-based substance abuse treatment

Because the federal government is on a continuing resolution until early 2009, Congress has not yet appropriated funds to fulfill the promise of Second Chance. It is critical that the new Administration and Congress make good on its pledge in passing this landmark legislation by providing the dollars necessary for states, localities and non-profit organizations to provide the assistance the Act envisions.

- 3) Second Chance Employment Initiative – Efforts are underway in a number of states to improve knowledge and understanding of the way restrictions on employment reduce the ability of ex-offenders to find and keep jobs. A similar effort is needed at the national level including:
  - a) a nation-wide study of ex-offender employment restrictions and an evaluation of data as to whether such barriers are necessary and effective;
  - b) a review of federal, state and local government policies that restrict ex-offenders in applying for government jobs;
  - c) demonstration grants for states to work with the private sector on projects to “ban the box” (i.e. discourage the use of simple employment questions that screen out ex-offenders) and substitute the use of risk-based analysis in decisions on employing people with criminal records
  - d) demonstration grants to states to create and expand efforts to help ex-offenders expunge criminal records that pose an unnecessary barrier to employment
- 4) Voting Rights Restoration - Nationally, nearly 4 million people who have been convicted of crimes, served their sentences and returned to their communities remain ineligible to vote. This problem disproportionately affects African-American men of whom 13 percent are currently ineligible to vote due to felony convictions. In some states, that figure is as high as 25 percent.

An important aspect of reconciliation between an ex-offender and the community is the restoration of civil participation in the form of voting rights. Laws relating to restoration of voting rights vary greatly across the nation. Eleven states deny the vote to those convicted of felonies. An additional 35 states keep parolees from voting and 30 states restrict voting for those on probation. Immediate steps are needed to address this problem at both the federal and state levels:

- a) Congress should pass and the President should sign the Democracy Restoration Act, sponsored by Senator Russ Feingold and Representative John Conyers, which would, for the purpose of federal elections, restore voting rights elections for individuals convicted of felonies.
- b) Congress and the President should establish a bi-partisan commission to study state laws as they relate to voting rights for persons convicted of felonies or serving probation and parole and make recommendations to reform such laws to assure fairness and consistency and promote the reconciliation of ex-offenders with their communities. The commission would also be charged with working with the U.S. Department of Justice for the creation of two public service announcement campaigns. The first would be targeted at ex-offenders who may be eligible to vote under the laws of their states but may believe that state law prohibits them from doing so. The second would be help dispel confusion among state and local election officials as to the laws governing the voting rights of ex-offenders in their respective states.

5) Expansion of Employment and Training Opportunities for Ex-Offenders – in 2007, Congress passed and the president signed the Energy Independence and Security Act of 2007 which included new authority for the Pathways Out of Poverty Demonstration Program. The focus of this important legislation was to create new “green jobs” training opportunities for to help move impoverished individuals toward self-sufficiency. The statute specifically mentions ex-offenders as a target population for such training and a number of mayors from major urban centers are focusing on “green jobs” to renovate and revitalize housing in the nation’s core urban areas while providing transitional employment for the formerly incarcerated.

a) Congress should fully fund Title X of the Energy Independence and Security Act of 2007 to increase training and employment opportunities for ex-offenders in the area of “green jobs” and encourage the U.S. Department of Labor to work with states and other grantees funded through this program to develop community-based programs targeted at training ex-offenders for these jobs.

**Previous Legislation (if applicable):**

Second Chance Act of 2008

**Political Outlook:**

The Second Chance Act passed the House and Senate with broad, bipartisan majorities. The request for full funding of this legislation would be hampered chiefly by the budget environment rather than political concerns.

The other proposed policies above would likely prove to be somewhat more controversial, particularly as they relate to employment. Conservatives are likely to object to any measure that appears to be burdening or pressuring private employers to hire ex-offenders against their better judgment. It might be wise to proceed with studies that can create an empirical basis for such policy changes rather than moving first toward demonstration grants that would fund state and local governments to conduct campaigns.

Similarly, voting rights restoration may be unpopular both in Congress and with the public. A federal study on the issue might be a promising first step toward creating the basis for encouraging states to review their laws in this area.

“Green jobs” legislation has very strong momentum as the new Administration and Congress begin working on appropriations for both the stimulus package and the regular FY09 and FY10 funding legislation. Continuing to work with the Congress and the U.S. Department of Labor to assure a steady focus for “green jobs” as an employment option for ex-offenders is both an important and achievable goal.

**References:**

Joint op-ed by Senator Russ Feingold and Jack Kemp on Democracy Restoration Act  
<http://www.brennancenter.org/page/-/Feingold%20Kemp%202-15-08.pdf>