



## WISCONSIN FAMILY IMPACT SEMINARS

# Looking Beyond the Prison Gate

## NEW DIRECTIONS IN PRISONER REENTRY

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26<sup>TH</sup> Wisconsin Family Impact Seminar



THE UNIVERSITY  
of  
**WISCONSIN**  
MADISON

**UW**  
*Extension*



# Looking Beyond the Prison Gate: New Directions in Prisoner Reentry

*First Edition*

## **Wisconsin Family Impact Seminars**

*A collaborative of the Center for Excellence in Family Studies  
in the UW-Madison School of Human Ecology and UW-Extension*

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## Purpose and Presenters

In 1993, Wisconsin became one of the first states to conduct Family Impact Seminars modeled after the seminar series for federal policymakers. The Wisconsin Family Impact Seminars provide objective, high-quality research on family issues to (a) promote greater use of research in policy decisions and (b) encourage policymakers to examine the family impact of policies and programs. Family Impact Seminars highlight the consequences that an issue, policy, or program may have for families. Because of the success of the Wisconsin Family Impact Seminars, Wisconsin is now helping 25 states conduct their own seminars through the Policy Institute for Family Impact Seminars at the University of Wisconsin-Madison/Extension.

The Family Impact Seminars are a series of presentations, discussion sessions, briefing reports, and newsletters that provide up-to-date, solution-oriented research on current issues for state legislators and their aides, Governor's office staff, legislative service agency staff, and state agency representatives. The Seminars present objective, nonpartisan research and do not lobby for particular policies. Seminar participants discuss policy options and identify common ground where it exists.

“Looking Beyond the Prison Gate: New Directions in Prisoner Reentry” is the 26th Wisconsin Family Impact Seminar. For information on other Wisconsin Family Impact Seminars topics or on Seminars in other states, please visit our website at <http://www.familyimpactseminars.org>.

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## Briefing Reports

Each Family Impact Seminar is accompanied by an in-depth briefing report that summarizes the latest research on a topic and identifies policy options state policymakers may want to consider. Since 1993, 26 seminars have been conducted on topics such as early childhood education and care, health care, Medicaid, and school funding. For a list of the seminar topics and dates, please visit the Wisconsin Family Impact Seminar website at <http://www.familyimpactseminars.org> (enter a portal and click on State Seminars). Each seminar has a page on which you can view the list of speakers, download a briefing report, and listen to the audio of the seminar presentations.

If you would like to purchase a bound copy of any report, please contact the UW Cooperative Extension Publications office at (877) 947-7827 or <http://learningstore.uwex.edu>. Legislators can request a free copy directly from the Family Impact Seminars at (608) 262-5779.

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## Executive Summary

**T**he iron law of incarceration is that nearly all prisoners come back—to their families and communities. In FY 2006, over 14,500 prisoners were released from Wisconsin prisons. This means that the population returned to society last year was similar in size to Bayfield County, the city of Menomonie, or the combined student bodies of UW-Stevens Point and UW-Green Bay. After being behind bars an average of 10 years, many prisoners have difficulty with the most basic requirements of life outside prison, such as finding a steady job, locating housing, and reestablishing positive relationships with family and friends. This report examines the latest evidence on how reentry policy can keep the public safe by better preparing prisoners for their inevitable return.

The first chapter is written by **Jeremy Travis**, president of the John Jay College of Criminal Justice at the City University of New York. Sentencing policy in the United States has changed dramatically in the last 30 years. During this time, U.S. incarceration rates quadrupled (largely due to drug offenses) and corrections budgets have become the second fastest growing state expenditure. More offenders entering prison means that more prisoners will eventually leave and return to their families and communities. Yet returning prisoners face a number of challenges in their family relationships, work, health, and housing. Many have a low level of human capital; for example, the longest that half of them have held a job is two years. Two-thirds of released prisoners end up being rearrested for a new offense within three years, and one-quarter are returned to prison for a new conviction. To turn these numbers around, new policy directions include a) reinventing supervision by front-loading services to ex-prisoners during the first six months after their release, the time they are most likely to commit a new crime, and b) establishing reentry courts to provide appropriate sanctions and incentives for successful reintegration.

The next chapter on designing reentry programs is written by **Edward Latessa**, professor and division head in the Division of Criminal Justice at the University of Cincinnati. Successful prisoner reentry programs have garnered public support because of their potential to reduce recidivism and save taxpayer dollars. To be effective, reentry programs must apply the four principles of effective corrections interventions. First, programs should be targeted to high-risk offenders. Placing low-risk offenders in intensive programs might actually increase their recidivism rates. Second, programs should focus on crime-producing factors such as antisocial attitudes and substance abuse. Boot camp programs are ineffective because they target factors unrelated to crime, model aggressive behavior, and bond criminals together. Third, programs should use a cognitive-behavioral approach, which has been shown to reduce reoffenses by an average of 10%. This action-oriented approach teaches prisoners new skills through modeling, practice, and reinforcement. Fourth, for model programs to be effective, implementation must closely replicate the original design; poorly implemented programs can do more harm than good. Given budget deficits, other states may follow Oregon's lead in requiring all programs for offenders to be evidence-based.

The third chapter by **Christina Carmichael** and **Jere Bauer, Jr.** of the **Legislative Fiscal Bureau** describes prisoner reentry programs in Wisconsin. The reentry process begins at the time of sentencing. For felony offenses, except those punishable by life imprisonment, felons receive a bifurcated sentence. The judge specifies the time to be spent in (a) prison and (b) the community on extended supervision. Reentry services assist prisoners in transitioning back into the community through programs provided to inmates in prison and to offenders under community supervision who need assistance with housing, job readiness, and access to services. As of July 2007, Wisconsin correctional institutions had 22,729 inmates, and community corrections served 55,879 offenders on probation and 17,084 on parole or extended supervision. Upon admission, an assessment identifies the offender's individual needs for services such as cognitive intervention, education, employment training, medical care, and sex offender treatment. For example, almost half of adult inmates lack a high school diploma or GED and, when admitted, about two thirds have alcohol and drug abuse problems. The portion of inmate spending allocated to reentry programming is not available; however, \$123.7 million is spent for probation, parole, and extended supervision in the community and \$24.8 million to purchase community services for offenders.

The **Family Impact Seminars** encourages policymakers to consider how families are affected by problems and whether policies would be more effective if families were part of the solution. This report details a number of ways that families are affected by prisoner reentry. In the U.S., two-thirds of female inmates and one-half of male inmates are parents. When one parent is incarcerated, the children left behind are at risk of unhealthy development. The remaining family members also face financial stress and strain from the separation.

When prisoners return home, the family can be central to the reentry process. Of course, not all families are in a position to help or want to help. Yet in one study, 90% of former prisoners "*agreed*" or "*strongly agreed*" that their family had been supportive in the first few months after their release. Former prisoners who felt that their family was a source of support had more success finding a job and staying off drugs. In fact, continuing contact with family members during and following incarceration can reduce recidivism and foster reintegration. As critical as this support is, it often comes at a price for families, many of whom are fragile.

For families to serve as a cornerstone of successful prisoner reentry, policies should take family needs into account. For example, policymakers could enact programs that strengthen families who, in turn, will support the returning prisoner. Policymakers could also examine the state's statutes, policies, and practices that may interfere with successful prisoner reentry and disadvantage their families. Some of these are summarized in a table prepared by the **Wisconsin Department of Corrections**. Corrections agencies could improve visitation policies; make it easier to maintain phone, video, or Internet contact; and expand the definition of family to allow visitation by girlfriends or boyfriends who are sometimes raising the prisoner's children. Schools, youth organizations, and agencies that serve families could take into account the special challenges families face when a parent or partner enters into or returns from prison.

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# Rethinking Prisoner Reentry: The Policy Implications of High Rates of Incarceration

by Jeremy Travis

President

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**S**entencing policy in the United States has changed dramatically in the last 30 years. During this time, U.S. incarceration rates quadrupled (largely due to drug offenses) and corrections budgets have become the second fastest growing state expenditure. More offenders entering prison means that more prisoners will eventually leave and return to their families and communities. Yet returning prisoners face a number of challenges in their family relationships, work, health, and housing. Many have a low level of human capital; for example, the longest that half of them have held a job is two years. Two-thirds of released prisoners end up being rearrested for a new offense within three years and one-quarter are returned to prison for a new conviction. To turn these numbers around, new policy directions include a) reinventing supervision by front-loading services to ex-prisoners during the first six months after their release, the time they are most likely to commit a new crime, and b) establishing reentry courts to provide appropriate sanctions and incentives for successful reintegration.

In 2002, more than 630,000 people left federal and state prisons, compared to only 150,000 three decades ago. U.S. prisons now hold a million more people than they did a generation ago. Prisons have increasingly been used as a response to crime, without considering the iron law of incarceration—nearly all prisoners come back to their families, neighborhoods, and communities. Many have difficulty with the most basic requirements of life outside prison, such as finding a steady job, locating stable and affordable housing, and reestablishing positive relationships with families and friends. Many will remain plagued by substance use and health problems. Most will be rearrested and many will return to prison. This leads to one of the most important policy questions of our time—how can prisoners best be prepared for their inevitable return to society?

## How Have States Changed Sentencing Policy in the Last 30 Years?

Legislators have dramatically transformed our justice system by enacting a series of reforms, large and small, in the last 30 years. In the early 1920s, nearly every state in the nation operated under an indeterminate sentencing model. Under this model, state legislatures set broad ranges of possible sentences for criminal offenses. Offenders who were sentenced to prison were eligible for parole by a parole board that reviewed the prisoner's progress toward rehabilitation and assessed his ability to safely return to society.

In the 1970s, people on both ends of the political spectrum raised concerns about indeterminate sentencing. Some criticized the discretion exercised by judges, corrections administrators, parole boards, and parole officers as arbitrary, racially

discriminatory, and unfair. They supported more uniform sentencing guidelines and rules. Others believed that the system coddled criminals rather than deterring them and argued that the severity of the sentence should be proportional to the severity of the crime.

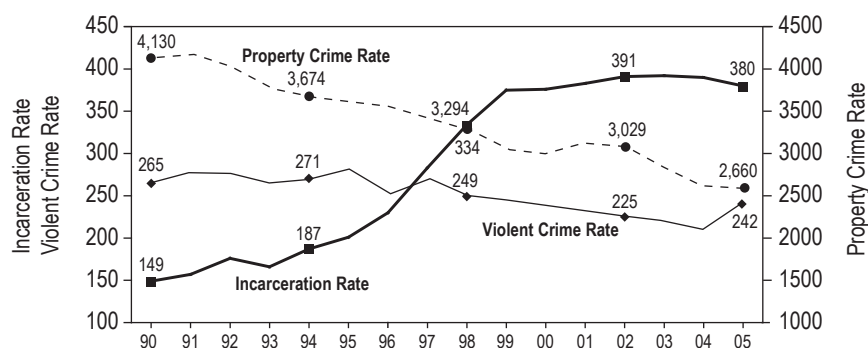
In 1976, Maine abolished parole, becoming the first state to abandon the indeterminate sentencing model. California and Indiana soon followed. Effective in 1980, Minnesota was the first state to create a sentencing commission, which limited judicial discretion in sentencing. In 1984, Washington became the first state to adopt “truth-in-sentencing,” which limited judicial *and* parole board discretion and effectively lengthened prison terms. In 1994, California voters passed a “three strikes and you’re out” referendum; Georgia, Washington, Florida, and the federal government have since enacted similar laws. Aided by federal funds, 29 states including Wisconsin now have a variation of truth-in-sentencing in place. The 1997 Wisconsin law required the court to impose a sentence consisting of a specified period of confinement in prison and a specified period of extended supervision; parole eligibility and good-time credits were eliminated.

### How Many People are Incarcerated and What are the Costs?

Between 1920 and 1970, the U.S. incarceration rate remained stable at about 110 state and federal prisoners per 100,000 residents. This rate held steady over the Great Depression and periods of economic expansion. By 2002, the incarceration rate had quadrupled to 476 per 100,000 people. In 1973, about 200,000 people were in U.S. prisons; by 2003, 1.4 million people were behind bars. The U.S. is the global leader in the use of imprisonment, slightly ahead of Russia and far ahead of England, Canada, France, and Japan. Wisconsin’s incarceration rate more than doubled between 1990 and 2005 (see Figure 1).

**Wisconsin’s incarceration rate more than doubled between 1990 and 2005.**

Figure 1. Wisconsin Incarceration and Crime Rates, 1990-2005  
Per 100,000 population



Source: Figure compiled by Wisconsin Family Impact Seminar staff using data from the U.S. Department of Justice, Bureau of Justice Statistics. Crime rates: State-level crime trends database, *Reported Crime in Wisconsin*. Incarceration rates: *Prisoners in (Year)* bulletin. 1990-1993 data from Wisconsin Taxpayers Alliance.

The financial consequences of incarceration are substantial. Between 1973 and 2000, the number of state prisons nearly doubled—from 592 to 1,023. Except for Medicaid, corrections expenditures have been the fastest-growing portion of state budgets. Between 1977 and 1999, state and local expenditures for corrections rose

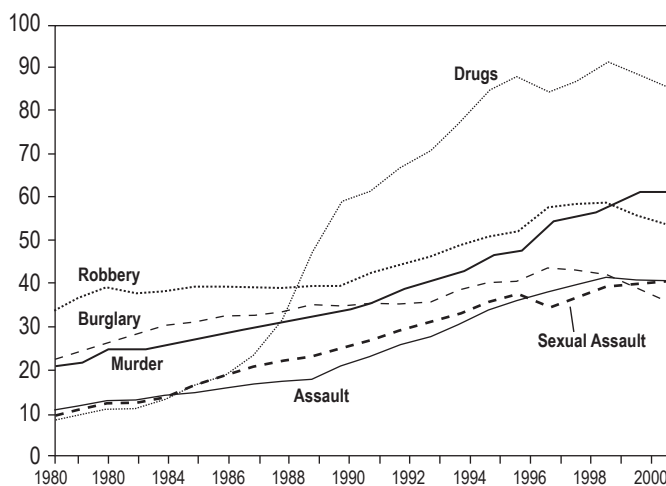


by 946%, outpacing spending growth for education (370%), hospitals and health care (411%), and public welfare (510%).<sup>1</sup>

## What Crimes are Driving the Incarceration Rate?

Drug enforcement policies are driving much of the prison growth. Between 1980 and 2001, the incarceration rate rose for all the major crime categories. Five of those categories grew steadily but not as dramatically as the sixth type—crimes for drug offenses. Between 1980 and 1996, the incarceration rate for drug offenses grew by more than 930% compared to the two next largest increases of 361% for sexual assault and 306% for assault (see Figure 2). The increase in the incarceration rate for drug offenses is due to significant increases in the arrest rate for drug offenses, a greater likelihood that arrests will result in a prison sentence, and longer sentences for drug offenses.

Figure 2. U.S. Incarceration Rates by Crime Type, 1980-2001



Source: Travis, J. (2005). *But they all come back: Facing the challenges of prisoner reentry* (p. 27). Washington, DC: The Urban Institute Press.

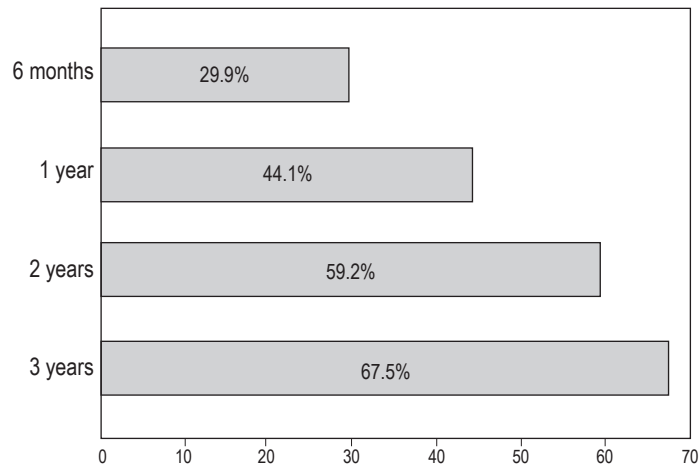
Drug enforcement policies account, in large part, for the racial disparities in the prison population. From 1980 to 1987, the number of admissions for drug offenses for whites, blacks, and Hispanics were remarkably similar. Beginning in 1987, all drug admissions increased, but the rate for blacks skyrocketed, largely due to the explosion of crack cocaine in inner-city, predominantly minority, communities. The drug admissions for blacks in 2000 were 26 times the level in 1983; for Hispanics, they were 22 times higher, compared to an eight-fold increase for whites. Assuming no changes in incarceration rates, nearly one in three African-American men and one in six Hispanic men will be sentenced to state or federal prison at some point in their lives.

## How Many Released Prisoners are Re-Incarcerated?

For many prisoners, being sent to prison is not a new experience. In a study of 15 states that included Illinois, Michigan, and Minnesota, two-thirds of prisoners released in 1994 were rearrested for a new offense within three years (see Figure 3), and one-quarter were returned to prison for a new conviction.

**Between 1980 and 1996, the U.S. incarceration rate for drug offenses grew by 930%.**

Figure 3. Rearrest Rates of Prisoners Released from Prisons in 15 States, 1994



Source: Langan, P.A. & Levin, D. (2002). *Recidivism of prisoners released in 1994* (NCJ 193427). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

A growing number of these returning prisoners, called “churners,” were incarcerated because they violated their parole conditions. In 1980, 17% of all prison admissions were parole violators; that is, they were arrested for a new crime, or violated a “technical” condition of their supervision such as a missed appointment with a parole officer. Twenty years later, the percent of parole violations doubled to 35% of all prison admissions. About as many people were returned to prison for parole violations in 2000 as were admitted in 1980 for all reasons.

### What Challenges Do Prisoners Face When They Return Home and How Can Policymakers Respond?

Imprisonment ripples through a prisoner’s life. When a convicted offender is sentenced to prison, he or she leaves a life behind. That life might include children, intimate partners, peer groups, coworkers, employers, partners in crime, or classmates. These dimensions of community life may benefit or suffer from the prisoner’s absence and will be affected upon his or her return. Returning prisoners face a number of challenges in their family relationships, work, health, and housing. Policymakers across the country have been developing policies to improve outcomes for people coming back so they are more likely to be reintegrated and less likely to be rearrested.

**More than half of men and nearly two-thirds of women in state prisons report having minor children.**

#### Families and Children

Most prisoners are parents. More than half (55%) of the men and nearly two-thirds of the women in state prisons report having minor children. About one-quarter of the parents in state prison are married and one in five are divorced. When a parent is incarcerated, it has profound consequences on the emotional, psychological, social, and financial well-being of the children left behind. The financial stress and, in some cases, separation from a partner places a strain on the remaining parent or caregiver as well.

Continuing contact with family members during and following incarceration can reduce recidivism and foster reintegration. When prisoners return home, they face multiple hurdles, many of which a supportive family can help overcome. For example, marriage helps prevent reoffending and married prisoners are less likely to associate with peers involved in crime. Families can provide other important supports that returning prisoners need to reintegrate into society such as help with housing, employment, and health concerns. However, not all families are in a position to help and some may not want to help.

Prisoners expect their families to be supportive and these expectations are generally realized once they get out of prison. For example, in one study, 90% of former prisoners “*agreed*” or “*strongly agreed*” that their family had been supportive in the first few months after their release.<sup>2</sup> Former prisoners who felt that their family was a source of support had more success finding a job and staying off drugs. However, as critical as this support is, it often comes at a price to families.

This is one lesson that emerged from a successful program in New York City, La Bodega de la Familia that used a case management approach to strengthen and support the families of reentering prisoners. This demonstration program resulted in decreased substance use and improved physical health for ex-prisoners. Despite the program’s effectiveness, supporting returning prisoners is hard work for families. Even with a dedicated case manager, 24-hour crisis intervention services, and improved connections with medical and social services, the families in this 1996 study reported more stress and emotional problems than the comparison group. If families are to be a cornerstone of successful prisoner reentry, policies must take families’ emotional needs into account.

*Policy options.* The family is central to the reentry process. There are several policy options that can support families and give them the tools they need to ease the reentry of their loved one.

Corrections agencies could, with additional financial resources and under the leadership of state policymakers, do several simple things to strengthen families:

- improve visitation policies,
- bring families to their prisons,
- expand the definition of family members to allow visitation by girlfriends or boyfriends who are sometimes raising the prisoner’s children,
- encourage phone calls,
- provide video links between prisons and community centers,
- find secure means for Internet communications between prisoners and families,
- create family advocate positions within their organizations,
- eliminate the imposition of child support payments during the incarceration period,
- offer classes in parenting skills, and
- assist prisoners in asserting their rights in custody proceedings.

***Marriage helps prevent reoffending and married prisoners are less likely to associate with peers involved in crime.***

The effort of corrections agencies needs to be coupled with community involvement. Schools could offer counseling to children of incarcerated parents. Youth-serving organizations need to help children find mentors and work through their feelings of shame, anger, and confusion. Government could fund a network of nonprofit agencies to support children and help them connect over the Internet with their incarcerated parents. All agencies that serve families need to recognize the special challenges family members face when their parent or partner goes to prison.

### **Work**

Incarceration affects work in several ways, three that I mention here. First, incarceration interrupts a pattern of work for some prisoners and results in lost productivity, lost income for their family, and reduced lifetime earnings of 10% to 30%.<sup>3</sup> In 1997, over half (56%) of prisoners were employed full-time at their arrest and another 12.5% were employed part-time.<sup>4</sup> Second, some people work while imprisoned. However, those without the opportunity or interest lose a chance to develop a work ethic, learn job skills, and build a work record.

Finally, prisons can prepare people for work after release, but little has been done in this regard. The challenge is that prisoners have a low level of human capital. In 1997, nearly half (41%) of returning prisoners did not have a high school diploma or GED and 17% had an eighth grade education or less. For almost half (46%), the longest job they held was 2 years or less and 45% had been fired from a job at least once.<sup>5</sup>

Prison can be a promising point of intervention for enhancing the future employment levels of returning prisoners. Studies in the 1970s concluded that prison programs do little to improve released prisoners' employment status; however, recent research finds that well-designed and well-implemented programs work when prisoners are motivated to improve their job prospects.

*Policy options.* In a study of 49 prisoners leaving prison in New York, their top concern was landing a job. Those who find a stable job are less likely to commit another crime. In response, states have used a variety of approaches to (a) address work within the confines of the prison, and (b) prepare prisoners for employment outside prison walls.

***In 1994, Oregon voters required all able-bodied inmates to work or engage in work-related activities 40 hours a week.***

In 1994, **Oregon** voters amended their constitution to require that all able-bodied inmates work or engage in work-related activities 40 hours a week. All entering prisoners undergo a battery of tests to identify barriers to employment which are then addressed with targeted programs. Private companies are invited to create jobs for inmates. Prisoners are awarded points, which are translated into cash and awards. Because the more desirable jobs require a high school education, more prisoners are completing their GED. A prisoner who leaves an Oregon prison now leaves with work experience, recommendations from his supervisors, and a modest nest egg. In June 2002, 78% of the prisoners were eligible for work and 78% of those were fully compliant with the 40-hour work week requirement.

States could also create “justice intermediaries,” organizations charged with and accountable for improving the employment profile of returning prisoners. They could build on the successful efforts of post-release work programs such as **Texas’**

Project RIO (“Reintegration of Offenders”), **New York’s** Center for Employment Opportunities (CEO), or the multi-site Opportunity to Succeed Program. The justice intermediary would work with the prisoner before his release date, provide case management services to help ex-prisoners navigate available resources, and provide work opportunities after release if none is available. To provide a work incentive for prisoners, states also could extend their Earned Income Tax Credit to childless adults.

In recent surveys, the public supports prison work programs and a “prison to work” strategy. The Oregon referendum, for example, passed with 72% favoring a mandatory prison work program. In a Philadelphia study, nearly all of the respondents—from high-income suburbs, low-income urban neighborhoods, and a suburban community—thought that helping ex-prisoners find stable work was the most important step in helping them integrate into their communities.<sup>6</sup>

### Health

The health of prisoners is poor. About 80% of state prisoners report significant alcohol or drug abuse, 18% have Hepatitis C, 16% have a mental illness, 7% are infected with tuberculosis, and almost 3% carry the HIV virus. The prevalence rates for these diseases are significantly higher in the prison population than in society as a whole.<sup>7</sup> Health professionals inside and outside prison have an obligation to reduce the transmission rate of these diseases to the family and community.

*Policy options.* Prisons provide a low-cost opportunity to detect and treat diseases that pose a serious public health risk and to deal with addictions and mental illness that, left untreated, may increase recidivism and drug use. Several changes can be made to shift the focus from simply providing prison health care to viewing prisons as a public health opportunity.

- Prisons should provide immunizations, screening, treatment, and prevention programs for communicable diseases. Diagnostic tests are low cost, and infected individuals could receive treatment and education while they are in prison to reduce transmission to their family and society.
- Screening can reveal which prisoners need medication or treatment for addiction and mental illness. Prisoners should then be linked to drug treatment and mental health programs in the community when they are released.
- Prisons should create a health-related discharge plan for every released prisoner that includes links to local clinics, doctors, and hospitals. A key component of these plans is establishing immediate eligibility for Medicaid and other benefits upon release.

### Housing

Of the many challenges facing prisoners, none is as immediate as finding shelter. Housing has been characterized as the “lynchpin that holds the reintegration process together.”<sup>8</sup> Most prisoners return to live with their families, some live with friends and relatives, and others end up in homeless shelters.

Some families simply do not want the prisoner to live in their household, whereas those in public housing fear losing their apartment if they accept a released

***Prisons provide a low-cost opportunity to detect and treat diseases that pose a serious public health risk.***

prisoner. Public housing landlords and providers of Section 8 housing have been given increasing power to prevent anyone with a criminal record from living in their properties. In fact, an entire household can be evicted when a family member, guest, or someone “under the tenant’s control” is engaged in criminal activity.<sup>9</sup>

The populations of homeless individuals and released prisoners overlap to a great extent. According to recent studies, 10% to 25% of released prisoners will be homeless within a year. Moreover, of those who entered homeless shelters, 42% returned to prison within two years. A sizeable subpopulation experiences two revolving doors, one in and out of prison and another in and out of homeless shelters.

**One study found that placing ex-prisoners in supportive housing netted savings of \$2.5 million in incarceration costs each year.**

*Policy options.* Studies suggest that supportive housing for former prisoners could curb crime and save money. The Fortune Academy in New York City is a residential facility that provides a range of supportive services using funding from city, state, and federal governments. One evaluation found that placing ex-prisoners in supportive housing resulted in nearly 8 fewer days of prison and about 4 fewer days in jail per person, which generated estimated savings of \$2.5 million in incarceration costs each year.<sup>10</sup>

The Council of State Government’s Reentry Policy Council concluded that no prisoner should be released homeless. When former prisoners were asked what could help prevent homelessness, 69% stated that what would be most helpful is not money for rent or a deposit, but rather a counselor to help them understand their housing options. New York City’s successful La Bodega de la Familia program helps prisoners understand the rules of public housing and works with administrators to be more flexible so that drug offenders can live with their families.

Project Greenlight provides such a counselor who interviews prisoners and takes inventory of their criminal history, job skills, family ties, and substance abuse issues. The coordinator does not pay for housing, but instead matches prisoners to appropriate housing upon their release.

Some corrections agencies provide a “halfway house,” which serves as a buffer between prison life and life on the outside. Initially, prisoners are allowed to work, visit with family members, and engage in a limited range of activities, but they must observe strict curfews and return to the halfway house each night.

### **Invisible Punishment**

Some punishments prisoners face are nearly invisible to the public. Depending on the circumstances, some felons are ineligible for public assistance, education loans, driving privileges, public housing, and food stamps. Some can no longer vote, are more likely to have their parental rights terminated, must register with the police for the remainder of their lives, and may even be deported. This unique set of criminal sanctions, which I call “*invisible punishment*,” is hidden from public view, unmentioned in debates about punishment policy, and excluded from research on the costs and benefits of criminal sanctions.

As of 1996, 33 states restricted rights to own firearms, 29 established a felony conviction as grounds for divorce, 25 restricted the right to hold public office, 19

allowed termination of parental rights, and 14 permanently denied felons the right to vote. Prisoners in 48 states, including Wisconsin, and the District of Columbia are not allowed to vote while they are incarcerated. The federal government also restricts ex-prisoners' access to assistance such as food stamps, public housing, and student loans.

Taken together, these laws prohibit prisoners from participating in society and receiving public benefits. It appears that one's debt to society is never repaid. The public might support scaling back some of these invisible punishments. In a 2002 Harris poll, 80% of Americans believe that ex-felons who complete their sentences should have the right to vote; 60% thought probationers or parolees should be allowed to vote.<sup>11</sup>

*Policy options.* A first step is to make invisible punishments visible. States could codify the hidden sanctions scattered throughout their statutes. This would allow criminal defendants and their counsel to find, in one place, all of the potential consequences of a criminal conviction. Similarly, legislative committees with jurisdiction over sentencing policy and the state's sentencing commission could review all of the hidden sanctions.

A second step is to match the severity of the invisible punishment to the severity of the crime. All felons, whether guilty of the lowest felony or murder, are denied the right to vote in some states. Sentencing judges could be given latitude to apply individualized sanctions to fit a defendant's unique circumstances. Third, we need clear avenues for judicial or administrative redress for sanctions that cause undue hardships on ex-prisoners.

***In a 2002 poll, 80% of Americans believe that ex-felons who complete their sentences should have the right to vote.***

## **What Policy Options Can Policymakers Consider to Keep the Public Safe?**

The debate over public safety typically focuses on three options: keeping prisoners in prison longer; providing them with more in-prison programs to reduce their rate of reoffending after they leave, and providing more supervision. Each of these strategies has limitations.

### **Keep Prisoners in Prison Longer**

Clearly, there is some truth that keeping prisoners behind bars longer will reduce crime. But prison expansion is an expensive and blunt crime control instrument. At some point, the high financial and social costs of incarceration reach a point of diminishing returns in keeping the public safe. We should not assume that crimes committed soon after release would have been avoided by a longer prison stay; rather, it only might have postponed the crime. We could take steps such as lengthening the stay of only high-risk prisoners, but this would require more discretion at the sentencing and release stages. However, this is unlikely, given the current movement away from indeterminate sentencing.

### **Offer More Programs in Prison**

There are solid reasons for providing in-prison programs that help prisoners get a high school diploma, teach them job skills, and provide treatment for their

addictions. Research clearly shows that some programs, alone or in combination, work for certain offenders. Yet in an era of state fiscal constraints, political support for these programs is weak. Furthermore, the potential of these programs to produce *significant* reductions in crime is limited. This will be particularly true if programs are expanded on a large scale because interventions would then likely draw in prisoners less motivated to change. In short, investing in more programs is a necessary, but not sufficient, ingredient in a comprehensive crime-reduction strategy.

### **Provide More Intensive Supervision**

Supervision has been the dominant strategy used with returning prisoners. However, research shows that supervision has had modest effects on rearrest rates. A large RAND study concluded that supervision alone (1) does not reduce rearrest rates (and may increase them), (2) significantly increases rates for violation of supervision conditions and returns to prisons, and (3) is effective at increasing participation in programs designed to promote reintegration.<sup>12</sup>

These three policy options do not hold much promise for making a significant impact in the rearrest rate of returning prisoners. Keeping prisoners longer would prevent some crimes, but at a high cost. Providing more programs in prisons is a low-cost way to prevent crimes, but would only make a small dent in recidivism. More intensive supervision alone does not reduce recidivism, but would improve access to services and at the same time significantly increase the number of individuals who are caught violating their parole. To move beyond these typical responses, I suggest reinventing supervision and establishing reentry courts.

***Reentry resources should be front-loaded to the first six months, the time of greatest risk.***

### **Reinvent Supervision**

A new model of supervision would reflect the reality that rearrest rates are highest in the months immediately following release. Resources for supervision, support, and transitional services should be front-loaded, with an investment of money during the time of greatest need and risk. Reentry resources are generally not allocated this way. Rather, resources are generally spread equally over the supervision period. If allocated according to risk, nearly one-third of the funds would be spent in the first six months on supports designed to reduce the risks of failure.

If this strategy were fully realized, there would be drug testing and treatment for prisoners with addiction, transitional housing for those without housing, continuity of care for the mentally ill, electronic monitoring to keep prisoners away from people and places where crime risks are high, and transient jobs for those able to work. Implementing this plan would involve families, community organizations, service providers, support networks of former prisoners, and religious organizations. Responsibility for coordinating resources and services could be vested in a new entity such as a “justice intermediary.”

### **Establish Reentry Courts**

Reentry courts, an idea I proposed in 1999, offer a number of advantages over our current system. These courts would carry out the functions currently performed by parole agents. The judges in these courts could keep track of a prisoner’s progress in meeting the goals in their reentry plan and possibly grant early release to a prisoner making significant progress.



Reentry courts could build on the experiences of drug courts, which use incentives and sanctions to support drug-addicted defendants. Reentry courts would support and celebrate reintegration milestones such as a job offer, reunification with a family, or connection with transitional housing. On the other hand, the reentry court judge could order curfews, electronic monitoring, inpatient treatment, or short stays in local jails. The reentry court should be empowered to make appropriate judicial decisions, such as shortening supervision after a period of compliance or modifying invisible sanctions such as driver's license suspension when circumstances have changed. Perhaps most importantly, reentry courts could provide a public forum in which the legal, family, and community systems intersect to recognize the key ingredient in stopping crime—redemption for the prisoner.

## Conclusion

The landscape of punishment in America has changed profoundly in the last three decades. Incarceration rates have increased fourfold. Parole release rates have dropped dramatically. Parole supervision has increased significantly and parole revocation sends hundreds of thousands of people back to prison each year. These changes have had far-reaching consequences because the number of prisoners returning to their communities is significant and growing.

When the country was debating sentencing policy—how tough sentences should be and whether to have mandatory minimums—we were forgetting the iron law of imprisonment, which is that everybody we put in prison comes back. Except for those who die of natural causes or by execution, they all come back. The bottom line for policymakers should be: How do we improve the outcomes for people coming back so that they are more likely to be integrated and less likely to be rearrested?

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***The reentry court should be empowered to make appropriate judicial decisions, such as shortening supervision or modifying sanctions.***

This chapter is based on the following book and policy brief.

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# What Science Says About Designing Effective Prisoner Reentry Programs

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**E**ffective prisoner reentry programs have garnered public support because of their potential to reduce recidivism and save taxpayer dollars. To be effective, reentry programs must apply the four principles of effective corrections interventions. First, programs should be targeted to high-risk offenders. Placing low-risk offenders in intensive programs might actually increase their recidivism rates. Second, programs should focus on crime-producing factors such as antisocial attitudes and substance abuse. Boot camp programs are ineffective because they target factors unrelated to crime, model aggressive behavior, and bond criminals together. Third, programs should use a cognitive-behavioral approach, which has been shown to reduce reoffenses by an average of 10%. This action-oriented approach teaches prisoners new skills through modeling, practice, and reinforcement. Fourth, for model programs to be effective, implementation must closely replicate the original design; poorly implemented programs can do more harm than good. Given budget deficits, other states may follow Oregon's lead in requiring all programs for offenders to be evidence-based.

Criminal behavior affects all of us in some way. Crime helps determine where we live, where we send our children to school, when and where we go out, how much we pay for auto insurance, and whether our tax dollars are used to build new roads or new prisons. Over 600,000 prisoners return to the community each year. Some offenders receive some programming while they are incarcerated, but many return ill-equipped to reintegrate into their communities.

One way to facilitate successful offender re-integration is through reentry programs. Studies show that public support for effective programs and rehabilitation remains strong.<sup>1</sup> For these and other reasons, it is important that we continue to develop correctional programs that increase public safety through the effective rehabilitation of offenders.

Reentry programs are promising for a number of reasons. First, they provide an opportunity to shape offender behavior as they transition back to their natural environments, thereby reducing recidivism rates. They also offer the ability to proactively deal with violations of post-release supervision. Recently this has become a growing concern because violators are making up a greater percent of the prison population now than in the past. Additionally, facilitating a successful reentry can lead to better and more functional lives for former prisoners and also for their families and communities.

Reentry programs have some unique features, yet at their core these programs should follow the basic tenets of effective correctional interventions. This body of

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**Studies show that public support for rehabilitation remains strong.**

research on correctional programs can serve as a blueprint for the development of reentry legislation and the design of reentry programs. The research summarized below is based on data from Ohio; however, these findings are consistent with other research conducted during different time periods, in many jurisdictions, in several countries, with male and female offenders, and with adult and juvenile offenders.

## Core Principles of Effective Correctional Interventions

How much can science tell policymakers about effective corrections programs? The research findings are clear and consistent. If a reentry program does not embody a number of the following characteristics, the odds that the program will reduce recidivism are low.

1. **Who to target.** Correctional programs should focus their resources on higher-risk offenders.
2. **What to target.** Correctional programs must target specific crime-producing factors of offenders such as anti-social peer associations and substance abuse. Boot camp and self-esteem building programs largely don't work.
3. **How to target.** Correctional programs must provide behavioral, cognitive-behavioral, or social-learning based interventions.
4. **How well the program is implemented.** Correctional programs must have program integrity, which includes quality assurance, evaluation efforts, and overall attention to the intervention's fidelity to the three previous principles. Good instruments are available to objectively measure program integrity, such as the Correctional Program Assessment Inventory.

## Who to Target

***The most intensive programs should be reserved for high-risk offenders.***

The most intensive treatment and intervention programs should be reserved for high-risk offenders. "High Risk" refers to those offenders with a higher probability of reoffending, whereas low-risk offenders are those with pro-social attributes and a low chance of reoffending. Allocating treatment to low-risk offenders wastes scarce resources. What's more, research clearly demonstrates that placing low-risk offenders in more intensive programs can often increase their failure rates. This counter-intuitive finding occurs for several reasons, two that are discussed below.

First, mixing low- and high-risk offenders may lead to an "education" in anti-social behavior for the low-risk offenders. For example, let's say that your teenage child got into some trouble with the law, but does not use drugs. Would you want him or her in a program or group with heavy drug users? Of course not. You would worry that high-risk youth would influence your child more than the other way around. Second, placing low-risk offenders in these programs tends to disrupt their pro-social networks. In other words, the very circumstances that make them low-risk become interrupted, such as their school, employment, and family. These circumstances (e.g., good school performance, stable employment, lack of

substance abuse, pro-social friends, and good family relationships) are what define low-risk offenders. Of course, low-risk offenders may require some intervention; however, simply holding them accountable for their actions and imposing some minimal sanction is usually enough to prevent recidivism. Recent studies explain why interventions intended to do good can instead do harm.

Here's what happened when we placed low-risk offenders in intensive programs. In 2002 we conducted a study of 38 halfway house programs in Ohio. The study included roughly 7,000 offenders, with half in the "treatment" group (those offenders who participated in a halfway house program) and half in the "comparison" group (those offenders who received regular community supervision). Halfway houses ranged from full-service programs that offered a wide-range of programming, to facilities that offered some support and had minimal programs (e.g., limited counseling and job assistance). Offenders lived in these facilities but generally worked in the community. The numbers presented in this chapter represent the differences in the recidivism rates between the treatment group (halfway house participants) and the comparison group (community supervision). Recidivism was defined as incarceration in a state prison within the two-year follow up period.

Placing low-risk offenders in halfway house programs actually increased their chances of reoffending by an average rate of 5%, as Table 1 shows. Conversely, for high-risk offenders, participation in the same halfway house programs was associated with a 9% decrease in recidivism. This pattern does not hold true for parole violators. Regardless of their risk-level, parole violators who were placed in a halfway house instead of prison had lower recidivism rates compared to those who were returned to prison and later released without placement in a residential facility. I believe that this is because the study did not take into account changes in "dynamic" risk factors. In other words, placement in a halfway house, which can address risk factors such as substance abuse, is more effective for parole violators at any risk level than being returned to prison and released without any placement.

**Halfway houses actually increased recidivism of low-risk offenders by 5% and decreased recidivism of high-risk offenders by 9%.**

Table 1. Effectiveness of Halfway House Participation Compared to Regular Community Supervision

|                    | Recidivism Rate |
|--------------------|-----------------|
| Low Risk Offender  | + 5%            |
| High Risk Offender | - 9%            |

Some individual programs produced dramatically different results. For low-risk offenders, some of the least effective halfway house programs produced 30% or higher *increases* in recidivism. On the other hand, high-risk offenders in several effective halfway house programs had 30% or higher *reductions* in recidivism.

## What to Target

The second principal of effective corrections intervention programs is that they target crime-producing factors ("criminogenic" needs), such as anti-social attitudes,

beliefs, and values; anti-social personality traits; negative peer associations; poor problem solving and self-control skills; and substance abuse. Offenders are not higher risk because they have a particular risk factor, but rather because they have a multitude of risk factors. Accordingly, programs that target a larger number of these factors are more successful than those that target a couple or none.

**Boot camps may increase crime because they model aggressive behavior and bond criminals together.**

Not surprisingly, programs that focus on factors unrelated to crime such as creative abilities, physical conditioning, self-esteem, and understanding one’s culture or history do not reduce criminal behavior. One example is military-style boot camps that tend to focus on discipline, physical condition, and self-esteem. Most studies show that boot camps have little impact on future criminal behavior and may in fact increase crime because they often model aggressive behavior and bond criminals together.

In our study of 38 halfway house programs, those programs that targeted one crime-producing factor were, on average, associated with a 17% increase in recidivism rates compared to those in regular community supervision (see Table 2); however, those programs that target four or more factors reduced recidivism by an average of 7%. Unfortunately, the data were unable to distinguish which crime-producing factors were targeted in the programs and how much time was spent on each.

Table 2. Number of Crime-Producing Factors Targeted and Program Effectiveness

| Number of Crime-Producing Factors | Change in Recidivism Rate |
|-----------------------------------|---------------------------|
| 1                                 | +17%                      |
| 2-3                               | -3%                       |
| 4+                                | -7%                       |

## How to Target

This principle tells us how to go about targeting offenders’ needs. The most effective approaches feature behavioral programs that have several attributes. First, effective programs are centered on *present* circumstances and risk factors that are responsible for the offender’s behavior. For example, focusing on a past event, such as abandonment and grief counseling might be therapeutic and helpful in increasing one’s understanding, but it is unlikely to reduce the risk of reoffending. Of course, past trauma can be a barrier to addressing anti-social behavior, but it is the current behavior that is the target for change, not the past.

Second, behavioral interventions are *action*-oriented rather than *talk*-oriented. Offenders do something about their difficulties, rather than just talk about them. Behavioral interventions often replace anti-social behaviors (e.g., stealing, cheating, lying, etc.) by teaching offenders new, pro-social skills through modeling, practice, increasing difficulty of skill, and reinforcement.

Examples of these interventions include:

- Structured social-learning programs where new skills are taught, and pro-social behaviors and attitudes are consistently reinforced;

- Cognitive-behavioral programs that target anger, attitudes, beliefs, peers, substance abuse, values, etc.; and
- Family-based interventions that train family members in appropriate behavioral techniques.

Common non-behavioral interventions include bibliotherapy (reading books), drug and alcohol education, fear tactics and other emotional appeals, lectures, non-directive client-centered approaches, self-help, and talk therapy. Little research shows these approaches lead to long-term reductions in recidivism.

How effective are cognitive-behavioral programs compared to other types of programming? Cognitive-behavioral programs produced a 10% decrease in recidivism in our study, compared to no change for “other” types of treatment programs (see Table 3).

**Cognitive-behavioral programs produced a 10% decrease in recidivism.**

Table 3. Impact of Treatment Model on Program Effectiveness

| Change in Recidivism Rate    |      |
|------------------------------|------|
| Cognitive-Behavioral Program | -10% |
| Other Program Types          | 0%   |

Increasing the number of crime-affecting services a program offers reduces recidivism, just as increasing the number of behavioral strategies does. Programs that regularly use role-playing or have offenders practice newly learned skills produce an average 8% reduction in recidivism rates (see Table 4). Even better, those that regularly use *both* techniques are the most effective, with an average 15% reduction.

Table 4. Impact of Role Playing and Offender Practice on Program Effectiveness

| Change in Recidivism Rate      |      |
|--------------------------------|------|
| Neither role-play nor practice | -3%  |
| Role-play OR practice          | -8%  |
| Role-play AND practice         | -15% |

## How Well the Program is Implemented

In addition to the three principles raised previously, implementation is also of significant and substantial importance. In our study we found that several factors of program implementation were important, including community support, criminal justice community support, evaluation, the program directors’ educational and experiential credentials, the program directors’ involvement in the program, quality assurance, and staff training and qualifications. Even promising programs can fail if implementation is not monitored.

We found a strong relation between program integrity and program effectiveness. The highest-scoring programs were associated with an average reduction in recidivism of 20% or more. In contrast, the lowest-scoring programs on program integrity were associated with an average 19% increase in recidivism. Clearly,

programs that are not implemented effectively do more harm than good because they increase recidivism.

## How Other States Have Used the Principles of Effective Intervention

### Oklahoma

In 1999, I was part of a team that reviewed 29 correctional programs in Oklahoma, some that operated in prisons, and others in the community. During our initial review, only 9% of the programs scored as “satisfactory” on measures of program integrity and the degree to which the program met the principles of effective intervention. The remaining 91% scored “needs improvement” or “unsatisfactory.” Despite these negative findings, Oklahoma officials decided to continue the review and incorporate the findings into their efforts to improve the programs and services they offered offenders.

Those programs found “unsatisfactory” were required to develop action plans and were given a specified time period to correct deficiencies before they were reassessed. Subsequently, the quality of the programs improved dramatically. A recent review indicates that 79% of the programs are now rated as “satisfactory” or higher and none were “unsatisfactory.” Change was only possible through strong leadership, and by providing specific and clear program direction as well as training and technical assistance.

***Oregon is the first state to statutorily require evidence-based programs for offenders.***

### Oregon

In 2003, the Oregon legislature passed SB 267, which requires prevention, treatment, or intervention programs for reducing future criminal behavior in adults and juveniles to be evidence-based. By 2005, 25% of funds spent by the Oregon Department of Corrections and several other agencies had to be allocated to evidence-based programs; by 2007, the amount increases to 50% and to 75% by 2009. This is the first state I know of to statutorily require evidence-based programs for offenders. I suspect it will not be the last, especially as states continue to wrestle with budget deficits.

### Ohio

In fiscal year 2004, Ohio spent over \$89 million for halfway houses and community-based correctional facilities. As the budget for these programs grew, so did legislative demand to justify these expenditures by determining the programs’ effectiveness in reducing recidivism. To that end, we evaluated all residential programs funded by the state, which was the largest study of its kind. A portion of that data was presented in this chapter. The conclusions presented here exactly mirror the conclusions of the larger study.

As a result of our study, Ohio enacted a number of policy changes, including:

- All programs must administer an assessment tool within five days of intake to measure risk level, determine case planning strategies, and identify special needs (e.g., mental health and sex offender).
- All programs need to develop a service delivery model based on individualized risk and needs assessment results. The high-risk offender



should receive more intensive and additional services, whereas the low-risk offender will receive minimal services.

- A cognitive-behavioral modality should be adopted, or at a minimum cognitive programming skills should be implemented within other modalities.
- Crime-producing factors should be targeted in programming.
- Audit standards shall assess both process and program outcomes.
- Every three years a program evaluation will be conducted, and program integrity will be assessed using a Correctional Program Assessment Inventory (or similar instrument).

### **Other States**

Other states are moving toward evidence-based practices in correctional treatment. Maine and Illinois were awarded demonstration grants by the National Institute of Corrections to implement and promote evidence-based practices. The Florida Division of Juvenile Justice is promoting evidence-based programming throughout its system. The Correctional Services of Canada has made evidence-based programming the hallmark of its correctional system.

### **Conclusion**

The evidence demonstrates that not all treatment programs are equally effective. The principles and characteristics that research shows are important to corrections interventions in general seem to be applicable and important to programs that serve prisoners upon reentry. Low-risk offenders should not be placed with high-risk offenders, since the effects are often counterproductive. High-risk offenders benefit from a longer and more intense dose of supervision and treatment. The majority of services should target crime-producing factors in offenders. Well-designed, well-implemented programs can substantially reduce recidivism; however, the same types of programs, when poorly implemented, can actually increase recidivism and waste taxpayer dollars.

Effective treatment and incarceration are not always mutually exclusive. Correctional programs in general, and prisoner reentry programs, in particular, can have a substantial effect on recidivism if they follow the evidence-based principles described in this chapter.

***Poorly implemented programs can increase recidivism and waste taxpayer dollars.***

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This chapter draws primarily from three articles:

Latessa, E. J. (2004). The challenge of change: Correctional programs and evidence-based practices. *Criminology and Public Policy*, (3)4, 547-560.

Latessa, E. J. & Lowenkamp, C. T. (2006). What works in reducing recidivism? *University of St. Thomas Law Journal*, (3)3, 521-535.

Lowenkamp, C. T. & Latessa, E. J. (2005, April). Developing successful reentry programs: Lessons learned from the “What Works” research. *Corrections Today*, 72-77.

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<sup>1</sup> Cullen, F. T., Pealer, J. A., Fisher, B. S., Applegate, B. K., & Santana, S.A. (2002). Public support for correctional rehabilitation: Change or consistency. In J. V. Roberts & M. Hough (Eds.), *Changing attitudes to punishment: Public opinion, crime, and justice*. Devon, U.K.: Willan Publishing.

# Wisconsin Prisoner Reentry Programs

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**T**he reentry process begins at the time of sentencing. For felony offenses, except those punishable by life imprisonment, felons receive a bifurcated sentence. The judge specifies the time to be spent in (a) prison and (b) the community on extended supervision. Reentry services assist prisoners in transitioning back into the community through programs provided to inmates in prison and to offenders under community supervision who need assistance with housing, job readiness, and access to services. As of July 2007, Wisconsin correctional institutions had 22,729 inmates, and community corrections served 55,879 offenders on probation and 17,084 on parole or extended supervision. Upon admission, an assessment identifies the offender's individual needs for services such as cognitive intervention, education, employment training, medical care, and sex offender treatment. For example, almost half of adult inmates lack a high school diploma or GED and, when admitted, about two thirds have alcohol and drug abuse problems. The portion of inmate spending allocated to reentry programming is not available; however, \$123.7 million is spent for probation, parole, and extended supervision in the community and \$24.8 million to purchase community services for offenders.

Prisoner reentry services are designed to assist convicted offenders' transition back to the community following a period of incarceration. These services generally include educational and treatment services, housing assistance, job readiness preparation, and assistance gaining access to available community services. Reentry services for persons convicted of a felony offense in Wisconsin are provided through the Wisconsin Department of Corrections (Corrections).

This paper addresses prisoner reentry in Wisconsin and is divided into the following sections: (a) Wisconsin's current felony sentencing structure, including judicially determined sentences to post-incarceration release in the community (extended supervision); and (b) the prisoner reentry programs available to offenders through the Department of Corrections.

## Felony Sentencing in Wisconsin

### Current Sentencing Structure

In Wisconsin, a felony is defined as any criminal offense that is punishable by imprisonment in state prison. All other criminal offenses are classified as misdemeanors. Offenders sentenced to one year or more of incarceration are imprisoned in state correctional facilities and all sentences to state correctional

facilities must be for at least one year. Those offenders sentenced to less than one year, whether for a felony or misdemeanor, are confined in county jails.

**Felons receive a bifurcated sentence; the judge specifies time in (a) prison, and (b) the community on extended supervision.**

For all felony offenses, except for those punishable by life imprisonment, felons sentenced to prison are given a bifurcated (two-part) sentence, under which a sentencing judge specifies an amount of time a convicted felon will serve in prison and an amount of time a felon will serve in the community on extended supervision. The bifurcated (determinate) sentencing structure is commonly known as “truth-in-sentencing.” Judges may also fine an offender in addition to, or instead of, imposing a bifurcated sentence or jail term, or may place a felon on probation. Felons sentenced to life imprisonment do not receive a bifurcated sentence, but rather may apply to the court for release to extended supervision under specific circumstances.

Once a court sentences a felony offender to confinement in state prison, the offender is transferred to the custody of the Department of Corrections. After a period of assessment and evaluation at the Dodge Correctional Institution in Waupun (for male inmates) or at the Taycheedah Correctional Institution in Fond du Lac (for female inmates), Corrections determines which correctional facility is appropriate for a sentenced offender. Subsequent to release from correctional custody, offenders remain under Corrections’ supervision until the expiration of their bifurcated sentence.

Table 1 identifies the maximum confinement and extended sentence that judges may impose under the current bifurcated sentencing structure.

Table 1. Maximum Bifurcated Sentence Lengths

| Felony Cases | Maximum Term of Confinement | Maximum Extended Supervision | Maximum Total Sentence |
|--------------|-----------------------------|------------------------------|------------------------|
| A            | Life                        | —                            | Life                   |
| B            | 40 years                    | 20 years                     | 60 years               |
| C            | 25 years                    | 15 years                     | 40 years               |
| D            | 15 years                    | 10 years                     | 25 years               |
| E            | 10 years                    | 5 years                      | 15 years               |
| F            | 7.5 years                   | 5 years                      | 12.5 years             |
| G            | 5 years                     | 5 years                      | 10 years               |
| H            | 3 years                     | 3 years                      | 6 years                |
| I            | 1.5 years                   | 2 years                      | 3.5 years              |

Under a bifurcated sentence, the term of confinement in prison cannot be less than one year, subject to any minimum sentence prescribed for the felony and any penalty enhancement. If the maximum term of confinement in prison is increased by a penalty enhancement, the total length of the bifurcated sentence (confinement plus extended supervision) that can be imposed is increased by the same amount.

The extended supervision portion of the bifurcated sentence may not be less than 25% of the length of the term of confinement in prison. The court may impose conditions on the term of extended supervision. A person serving a bifurcated sentence is not eligible for parole or mandatory release, nor eligible for sentence reduction for good behavior. Corrections is prohibited from discharging a person

servicing a bifurcated sentence from custody, control and supervision until the person has served the entire bifurcated sentence. An inmate imprisoned under a bifurcated sentence is not eligible for release to extended supervision until the court-specified term of confinement is completed.

All consecutive bifurcated sentences are computed as one continuous sentence. A person serves any term of extended supervision only after serving all terms of confinement in prison. An inmate is allowed to waive release to extended supervision if Corrections agrees to the waiver.

Before a person is released to extended supervision, Corrections is required to notify the municipal police department and the county sheriff for the area where the person will be residing. Inmates released to extended supervision are subject to all conditions and rules of extended supervision until the expiration of the extended supervision portion of the bifurcated sentence. Corrections may establish conditions of extended supervision, in addition to any conditions set by the court at sentencing, if the conditions set by Corrections do not conflict with the court's conditions.

If a person released to extended supervision violates a condition of that placement, the Division of Hearings and Appeals in the Department of Administration or Corrections (if the person on extended supervision waives a hearing) may recommend that the extended supervision of the person be revoked. If the person is returned to prison, he or she may be returned for any specified period of time that does not exceed the time remaining on the bifurcated sentence. The term "time remaining" is defined as the total length of the bifurcated sentence, less time served in custody before release to extended supervision by the person.

Under prior law, revocation of parole or extended supervision and the length of time that an offender would be returned to prison was decided by Corrections if the offender waived a hearing, or by an administrative law judge (ALJ) if a hearing was held. As of February 1, 2003, however, while Corrections or the ALJ continue to make the revocation decision for a violation of extended supervision, the sentencing court determines the length of time the offender will be returned to prison.

A person sentenced to life imprisonment is not given a bifurcated sentence and is not eligible for release on parole. Instead, the court specifies one of the following eligibility options for extended supervision: (a) after serving 20 years; (b) on a date set by the court that is later than 20 years; or (c) the person is not eligible for release to extended supervision. The court must inform the person sentenced to life imprisonment of the procedure for petitioning for release to extended supervision.

An inmate serving a life sentence who seeks release to extended supervision is required to file a petition for release with the court that sentenced him or her. An inmate filing for release must also serve a copy of a petition for release on the district attorney's office that prosecuted the case, and the district attorney must give a written response. After reviewing a petition for release and the district attorney's response, the court determines whether to hold a hearing on the petition or whether to grant or deny the petition without a hearing.

***A person sentenced to life imprisonment is not eligible for release on parole.***

Before deciding whether to grant or deny the inmate's petition, the court is required to allow a victim, or a family member of a homicide victim, to make a statement or submit a statement concerning the release of the inmate to extended supervision. The court may also allow any other person to make or submit a statement. Any statement, however, must be relevant to the release of the inmate to extended supervision.

In order to be released to extended supervision, an inmate is required to prove to the court, by clear and convincing evidence, that he or she is not a danger to the public. If the court grants the inmate's petition for release, the court may impose conditions on the term of extended supervision. If the court denies the inmate's petition, the court is required to specify the date on which the inmate may file a subsequent petition.

A person serving a life sentence who is returned to prison after revocation of extended supervision is required to be incarcerated for at least five years, after which period of time the person may again petition the sentencing court to be released to extended supervision.

If a person serving a life sentence files a petition for release or rerelease, the clerk of the circuit court in which the petition is filed is required to send a copy of the petition and, if a hearing is scheduled, a notice of hearing to victims who request notification. If the victim died as a result of the crime, an adult member of the victim's family is notified.

#### **Modification of Bifurcated Sentence**

Under the current bifurcated sentence structure, there are two means by which a bifurcated sentence may be modified. Since life sentences, by definition, are not bifurcated, sentence modifications do not apply to these sentences. Further, offenders sentenced for Class B felonies are not eligible for sentence modifications.

Under the first method of sentence modification, an inmate, serving a sentence for a crime other than a Class B felony, may seek modification of the sentence if he or she meets one of the following criteria:

1. The inmate is 65 years of age or older and has served at least five years of the term of confinement for the prison portion of the bifurcated sentence;
2. The inmate is 60 years of age or older and has served at least 10 years of the term of confinement for the prison portion of the bifurcated sentence; or
3. The inmate has a terminal condition with a life expectancy of six months or less.

An inmate who meets one of the above criteria may petition the program review committee of the correctional institution requesting modification of a bifurcated sentence. The program review committee may deny the petition or may refer it to the sentencing court if the committee determines that public interest would be served by modification of the sentence. If the petition is referred, the sentencing court is required to conduct a hearing, where the inmate has the burden of proving by the greater weight of the credible evidence that modification would serve public

interest. If the inmate meets the burden of proof, the court is required to modify the inmate's sentence by releasing the inmate to extended supervision within 30 days after the date the court issues its order. The term of extended supervision is lengthened so that the total length of the bifurcated sentence originally imposed does not change. The state may appeal the court's decision to grant an inmate's petition to the appellate court. If the inmate's petition is denied, the inmate may appeal the decision. The appellate court may reverse the decision only if it determines that the sentencing court erroneously exercised its discretion in granting or denying the petition.

Any petition that is denied by the program review committee or court, may not be refiled within one year. Inmates eligible to seek modification have the right to be represented by counsel, including representation by the State Public Defender.

The second manner in which a bifurcated sentence may be modified provides that an inmate, serving a sentence for a crime other than a Class B felony, may petition the sentencing court to adjust the sentence if: (a) the inmate has served at least 85% of the term of confinement for a Class C, D, or E felony; or (b) the inmate has served at least 75% of the term of confinement for a Class F, G, H, or I felony. The inmate may submit only one petition for each imposed sentence. Any one of the following is grounds for a petition:

1. The inmate's conduct, efforts at, and progress in rehabilitation, or participation and progress in education, treatment, or other correctional programs since he or she was sentenced;
2. There was a change in law or procedure, effective after the inmate was sentenced, related to sentencing that would have resulted in a shorter term of confinement, if the change had been applicable when the inmate was sentenced;
3. The inmate is subject to a sentence of confinement in another state or the inmate is in the United States illegally and may be deported; or
4. The sentence adjustment is otherwise in the interests of justice.

A court may deny any petition it receives, or hold the petition for further consideration. If the court holds the petition for further consideration, the court must notify the district attorney of the inmate's petition. If the district attorney objects to adjustment of the sentence, the court must deny the petition. If the sentence is for certain sex offenses (second-degree sexual assault, third-degree sexual assault, second-degree sexual assault involving a person under 16 years of age, or soliciting a child for prostitution) and the district attorney does not object to the petition, the district attorney is required to notify the victim of the offense of the inmate's petition. If the victim objects to the petition, the court must deny the petition.

If the sentencing court does not receive an objection to the sentence adjustment, and the court determines that adjustment is in the public interest, the court may modify the sentence. If the sentence is modified the court must reduce the term of confinement by the amount of time remaining for confinement, and increase the term of extended supervision by the corresponding amount. If the court adjusts a

***For certain sex offenses, if a victim objects to a petition to modify a bifurcated sentence, the court must deny the petition.***

sentence based on a change in law or procedure, and the total adjusted sentence length is greater than the maximum total sentence length that the inmate could have received under the change in law or procedure, the court may reduce the length of extended supervision so that the total adjusted sentence length does not exceed the maximum sentence length provided under the new law or procedure. If the adjusted term of extended supervision is greater than the maximum term of extended supervision the inmate could have received under the change in law or procedure, the court may reduce the term of extended supervision so that the term does not exceed the maximum term.

### **Modification of Extended Supervision**

An inmate or the Department of Corrections may petition the sentencing court to modify any conditions of extended supervision set by the court. The court may conduct a hearing to consider the petition and grant the petition in full or in part if it determines that the modification would meet the needs of Corrections and the public and would be consistent with the objective of the person's sentence.

An inmate may not petition the court to modify the conditions of extended supervision earlier than one year before the inmate's scheduled date of release to extended supervision or more than once before the inmate's release. An inmate may not petition the court to modify the conditions of extended supervision within one year after his or her release to extended supervision. If an offender files a petition for modification after his or her release to extended supervision, the offender may not file another petition until one year after the date of filing the former petition.

In addition to modifications to confinement and extended supervision identified above, current law includes two programs operated by Corrections which allow certain offenders to shorten their confinement time as the result of successful program completion (the Challenge Incarceration program and the Earned Release program). Upon successful completion, a judge may reduce an offender's sentence to confinement and increase the extended supervision sentence by a corresponding amount. These two programs, and a more expansive description of the state's sentencing structures, are detailed in 2007 Legislative Fiscal Bureau Informational Paper #56 entitled "Felony Sentencing and Probation."

### **Prisoner Reentry Services**

As indicated previously, reentry services are designed to assist incarcerated and recently released felons to transition back into the community. Corrections provides programming to inmates who are in prison and to offenders who are under community supervision. According to Corrections, successful offender reentry programs need to:

- "emphasize communication, coordination and information sharing among and between the institution, community corrections, offender, victim(s) and the offender's community formal and informal support networks;
- begin upon intake to an institution and flow into the community to discharge;



- focus on critical success factors including education, employment, housing, and treatment strategies grounded in evidence-based practices;
- involve community-to-institution “reach-in” activities and planning prior to the inmate’s release to the community;
- result in an individualized case plan based on the risk and needs of the offender; and,
- involve and engage the offender and his/her formal or informal social supports."

The Division of Adult Institutions operates 36 adult correctional institutions and centers in Wisconsin, while the Division of Community Corrections oversees supervision of individuals on probation, parole, or extended supervision, with eight regional offices throughout the state. As of July, 2007, correctional institutions had a total population of 22,729 (22,106 in correctional institutions and 623 in contracted facilities) and community corrections had a population of 72,963 (55,879 on probation and 17,084 on parole or extended supervision).

Table 2 identifies the number of offenders released to the community from prison during the period 2004-05 to 2006-07, by release type. The types of release identified in the table are: (a) extended supervision—release after serving 100% of the court-imposed confinement time under a bifurcated sentence; (b) mandatory release—release at 67% of an indeterminate sentence (any sentence for a crime committed before December 31, 1999); (c) discretionary parole—release prior to an offender’s mandatory release date (67% of the court-imposed indeterminate sentence); (d) direct discharge—release from prison, after serving the entire sentence, without community supervision; (e) alternative to revocation—the release of probation, parole, or extended supervision offenders serving time in prison as an alternative to revocation; (f) temporary probation and parole placement—probation, parole, or extended supervision hold, or release from a state prison after a temporary hold for an alleged probation, parole, or extended supervision violation; (g) revocation hearing—release after a probation, parole, or extended supervision revocation hearing; and (h) other release types, including death and court order.

**As of July 2007, community corrections oversees 55,879 people on probation and 17,084 on parole or extended supervision.**

Table 2. Releases from Prison by Type of Release (2004-05 to 2006-07)

| Release Type                             | 2004-05       | 2005-06       | 2006-07       |
|--|---------------|---------------|---------------|
| Extended Supervision                     | 4,647         | 5,518         | 6,012         |
| Parole                                   | 1,455         | 962           | 533           |
| Mandatory Release                        | 2,233         | 1,863         | 1,728         |
| Direct Discharge                         | 374           | 441           | 435           |
| Alternative to Revocation or Prison      | 976           | 1,226         | 1,322         |
| Temporary Probation and Parole Placement | 4,544         | 4,547         | 4,545         |
| After Revocation Hearing                 | 104           | 17            | 3             |
| Other Releases                           | 88            | 94            | 78            |
| <b>Total</b>                             | <b>14,421</b> | <b>14,668</b> | <b>14,656</b> |

Offender reentry programming, both in the correctional institutions and the community, is provided through direct services by Corrections or contracting with community providers. A general description of the common programs provided by the Department are summarized below, including: (a) educational programs and vocational training; (b) alcohol and other drug abuse treatment; (c) clinical services; (d) cognitive intervention programming; (e) domestic violence programs; (f) anger management; (g) sex offender treatment; (h) employment readiness training; and (i) transitional living and halfway house placements.

When an offender is admitted to the prison system, Corrections conducts an assessment and evaluation to identify the offender's program and treatment needs, including education, clinical, medical, and social needs. Based on the assessment and evaluation, institutional placement is determined for the offender. At least every 12 months, Corrections reviews the offender's institutional placement and makes adjustments as needed. For offenders in the community, treatment needs may have been identified prior to release from prison, or identified (or adjusted) while the offender is under community supervision.

### **Educational and Vocational Programming**

According to a departmental 2006 Education Report, Corrections has over 240 educational staff in its prisons and correctional centers. Over 70% of these staff members provide academic instruction to inmates, while the remaining provide vocational training. The 2006 report identifies the following correctional education and vocational services:

- Evaluating inmates' reading, math, and language skills
- Identifying inmates without a high school diploma or its equivalent
- Identifying inmates' special education needs, if any
- Providing academic programs, including basic skills, special education, high school equivalency classes, and cognitive intervention and parenting classes
- Providing vocational training programs, many of which are certified by the Wisconsin Technical College System
- Providing pre-release training through the Specialized Training Employment Project
- Providing library services, career counseling, and vocational/education program placements through the Career Development Project
- Providing distance education using video/audio technology

***Almost half of adult inmates lack a high school diploma or GED, and, when admitted, about two-thirds have AODA problems.***

The Department estimates that 46% of adult inmates lack a high school diploma or its equivalent, 49% read below the ninth grade level, and 73% perform math below the ninth grade level. As a result of these findings, educational programming has focused on basic skills for inmates.

### **Alcohol and Other Drug Abuse Treatment (AODA)**

Corrections has estimated that approximately two-thirds of inmates admitted to prison have been identified with AODA problems. AODA programming is

generally provided by state-certified departmental social workers, or by a contracted community treatment provider. According to Corrections, substance abuse treatment services use a cognitive/behavioral treatment model and are generally provided closer to an offender's release date in order to better facilitate continuing treatment in the community. Treatment may involve long-term (six to 12 months) residential programs, short-term (four to six months) residential programs, and aftercare services.

### **Clinical Services**

Mental health services are provided to inmates by clinical services staff, including diagnostic services, and short- and long-term treatment. Clinical evaluations may be requested by departmental staff or by inmates themselves. According to Corrections, the majority of treatment is provided through group therapy.

### **Cognitive Intervention Program**

The Department provides a cognitive intervention program that is “based on the principle that how we think determines how we act. Therefore, if we can control how we think, we can control aspects of our lives that might seem beyond our ability to control.” The 30-lesson program has two phases: “In Phase I, participants focus on discovering how they think and determining how their thoughts affect their feelings, their behaviors and the consequences they experience. In Phase II, participants continue to identify and evaluate personal beliefs, attitudes, and thinking patterns associated with the behaviors that led to trouble in the past. They also learn and practice skills that can help them control the thinking and behaviors they want to change.”

### **Domestic Violence Program**

The Department provides cognitive-behavioral programming designed for inmates who have shown a pattern of violence or abuse to their partners. Programming is designed to “(1) help batterers identify their own cognitions that have justified violence and enable them to be abusive to their partners and (2) teach them skills to change their thoughts/beliefs that have led to their abusive behaviors.”

### **Anger Management**

The goal of anger management treatment is to reduce aggression and violence by “providing group based treatment for individuals who have demonstrated a pattern of verbal and physical aggression that is excessive considering the precipitating event. The treatment is designed to help offenders change the relationships among their thoughts, angry emotions, and actions that lead to dysfunctional/maladaptive behavior, and substitute those with behaviors that are more adaptive, constructive, and socially appropriate.”

### **Sex Offender Treatment**

Corrections provides short- and long-term treatment programs for sex offenders. Short-term treatment lasts six to 12 months and addresses issues including offense disclosure, denial and minimization, victim empathy, cognitive distortions, criminal thinking, and reoffense prevention. Long-term treatment is more intensive and lasts from two to five years.

***In Wisconsin, substance abuse treatment uses a cognitive/behavioral model generally provided close to an offender's release.***

### **Employment Training Services**

Employment training services provided by Corrections vary based on individual offender needs, skills and abilities but can include vocational assessments, work adjustment training, resume development, pre-employment/job search training, job development/job placement services, work release opportunities with local employers prior to an inmate's release, and subsidized employment upon release. According to the Department, "The goal of these services is to provide stable employment to individuals released from prison, since stable employment is a strong indicator for the prevention of criminal activity."

### **Halfway House and Transitional Living Programs**

Halfway houses are community-based residential facilities where probationers, parolees, offenders on extended supervision, may be required to reside as a condition of their supervision. These halfway houses are licensed and regulated by DHFS. Halfway houses are nonsecure facilities that house a relatively small number of persons who require some type of supervised living arrangement. Temporary living placements provide offenders with a place to live in the community on a short-term basis supervised by a private provider.

In addition to the programs identified above, Corrections attempts to ensure that offenders who are eligible for public benefits receive those benefits upon release. According to Corrections, "This initiative involve[s] a multi-agency team, including DHFS [Department of Health and Family Services] and the [federal] Social Security Administration. A core component to this initiative is to provide assistance to the offender, prior to release to the community, in completing the needed application materials to ensure benefits for those who are determined eligible."

***In 2006-07, Wisconsin spent \$123.7 million for probation, parole, and extended supervision, and \$24.8 million to purchase community services for offenders.***

In 2006-07, Corrections expended \$53.4 million [\$51.9 million general purpose revenue (GPR) and \$1.5 million program revenue (PR)] in the correctional institutions for "care and treatment" of inmates. These costs included staffing and services expenditures for items such as social services, psychological services, and crisis intervention, but do not include medical services, security, administration, food service, education or maintenance. Further, during the same fiscal year, Corrections expended an additional \$25.1 million (\$24.1 million GPR and \$1 million PR) for educational programming. While a portion of these expenditures is associated with prisoner reentry, the Department is not able to identify the portion of these expenditures related specifically to reentry programming.

In the community, Corrections expended \$123.7 million GPR in 2006-07 related to the staffing and operation of the Division of Community Corrections which administers probation, parole and extended supervision services in the state. These expenditures supported approximately 1,800 staff positions. Further, the Department expended \$24,816,100 in 2006-07 for the purchase of services for individual offenders in the community. Table 3 summarizes the services purchased in 2006-07.

Table 3. Purchase of Services for Offenders, Division of Community Corrections (2006-07)

| Item   | Amount              |
|--|---------------------|
| Halfway House Beds and Temporary Living Placements                     | \$16,227,900        |
| Alcohol and Other Drug Abuse Treatment Services                        | 2,252,400           |
| Day Reporting Centers and Day Treatment                                | 1,215,800           |
| Urinalysis Screening   | 915,600             |
| Sex Offender Treatment   | 844,200             |
| Emergency and Supplemental Housing, Meals, and Medication              | 652,900             |
| Employment Services  | 401,200             |
| Wisconsin Fresh Start Program  | 330,000             |
| Domestic Violence  | 194,800             |
| Vocational Services  | 84,000              |
| Cognitive Group Intervention Program                                   | 74,400              |
| Special Bulletin Notice Sex Offender-Chaperone/Emergency Housing       | 61,100              |
| Anger Management   | 43,500              |
| Sundry (<\$5,000) Services, Psychological Services, and Other Services | 1,518,300           |
| <b>Total</b>   | <b>\$24,816,100</b> |

In addition to the general categories of reentry services provided to offenders in the community through purchase of services, Table 3 identifies two programs which provide more than one of these services: day reporting centers and day treatment; and the Wisconsin Fresh Start Program. Day reporting centers and day treatment are community-based programs that operate daily and provide access to AODA, employment, domestic violence, anger management, and other services in one location in certain communities. The Fresh Start program offers substance abuse treatment, education, and vocational programming for young offenders.



# Statutes, Policies, and Practices Affecting Prisoner Reentry in Wisconsin

by Wisconsin Department of Corrections staff

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The vast majority of prisoners will one day return to communities across Wisconsin. The public is best served if offenders are not only held accountable for their actions, but also have the opportunity to become law-abiding and successful members of the community when they are released. By improving prisoner reentry, the goal is crime reduction, fewer new crime victims, reduced state and local criminal justice costs, and most importantly safer families and communities.

The following table provides an overview of federal law, Wisconsin’s State Statutes, and/or Department of Correction practices that impact offender reentry on selected areas requested by the Wisconsin Family Impact Seminars.

| Item                | Related Policy   |
|---------------------|--|
| Driver’s License    | Wisconsin State Statute 343.31 addresses revocation or suspension of licenses after convictions or declarations such as (a) homicide or great bodily harm resulting from the operation of a motor vehicle and which is criminal under s. 346.62 (4), 940.06, 940.09, 940.10 or 940.25., and (b) any felony in the commission of which a motor vehicle is used.   |
| Food Pantries       | In each area of the state, the local Department of Corrections staff are aware of food pantries, and direct offenders in need of such assistance to the community partners.  |
| Food Stamps         | The recently passed biennial budget requires the Wisconsin Department of Corrections to assist offenders, prior to release, in applying for assistance under the FoodShare program. The budget item specifies that an institution’s address may be initially utilized in the application process and allows an authorized correctional employee to receive telephone calls on an offender’s behalf for matters related to the FoodShare program. The Department of Corrections is working with the Department of Health and Family Services on developing a process to implement this requirement. |
| Grounds for divorce | Wisconsin State Statute 767.315 outlines grounds for divorce and legal separation. Wisconsin is a “no fault” divorce state. That means that no grounds or “fault” is necessary to file a divorce. The only legal basis for divorce in Wisconsin is an “irretrievable breakdown.”   |
| Homeless Shelters   | In each area of the state, the local Department of Corrections staff are aware of homeless shelters and can direct offenders to shelters as a last resort if other suitable housing locations are not identified. Staying in a homeless shelter would be a short-term solution to allow offenders to keep a roof over their head until a more suitable long-term residence is identified.  |



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| Identification Cards                           | The recently passed biennial budget requires the Wisconsin Department of Corrections to provide a state identification card to individuals released from prison who do not possess another form of identification. The Department of Corrections is collaborating with the Department of Transportation, the Office of Vital Statistics and the Social Security Administration to develop a process to implement this requirement.  |
| Medicaid Benefits                              | Gainful employment and access to medical services are important keys to success for offenders upon release from a correctional facility and during community supervision. Access to medical services is critical to many offenders under our supervision that have engaged in a high-risk life style. When an offender lacks the capability to be gainfully employed due to age, a medical or mental condition, or a disability, their access to medical services is impacted. Re-engaging in criminal behavior is more likely if an offender is unable to meet these basic life needs. Because of this, in June, 2004 the Secretary of Corrections signed Administrative Directive #30. The policy indicates that by agreement with the Department of Health and Family Services, completed applications for Wisconsin Medicaid benefits will be accepted and processed up to 23 days prior to an incarcerated offender's anticipated release from a correctional facility.                                      |
| Parental Rights                                | Wisconsin State Statute 48.415 includes a list of serious felonies that can serve as grounds for termination of parental rights such as homicide or solicitation to commit homicide of a parent, parenthood as a result of sexual assault, commission of a serious felony against one of the person's children, or sexual assault of a child.   |
| Registration with police                       | <p>The Division of Community Corrections may require an offender to have contact with local law enforcement agencies. This is frequently required of offenders who transfer into a new area or are received on interstate compact supervision. An agent may wish to use this procedure to verify an offender has reported to law enforcement to resolve minor warrants (e.g., non-criminal traffic warrants, failure to pay fines, etc.).</p> <p>The Department is required to provide advance notification to local law enforcement agencies of a prison inmate's release to field supervision. This practice is mandatory.</p> <p>Some sex offenders are required to have face-to-face contact with local law enforcement upon release from an institution or receipt on probation. These offenders must also have face-to-face contact with local law enforcement officials whenever they move to another law enforcement jurisdiction during the course of their supervision. This practice is mandatory.</p> |
| Restriction of rights of firearm ownership     | Wisconsin State Statute 941.29 prohibits the possession of a firearm by any person convicted of a felony for life. A pardon and federal authorization can restore the right.  |
| Restriction of the right to hold public office | In November 1996, the electors of the State of Wisconsin ratified a constitutional amendment which bars any person who has been convicted of a felony for which they have not been pardoned, or who has been convicted of a misdemeanor involving a violation of public trust for which they have not been pardoned, from holding a state or local office.  |



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| Sex offender registration                | <p>In 1994, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act was enacted. The Act required all states to establish stringent registration programs for sex offenders by September 1997, including the identification and lifetime registration of “sexual predators.” The Act is a national law that is designed to protect children and was named after Jacob Wetterling, an eleven-year-old boy who was kidnapped in October 1989. Megan’s Law, the first amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Act, was passed in October 1996. Megan’s Law mandated all states to develop notification protocols that would allow public access to information about sex offenders in the community.</p> <p>On June 1, 1997, Wisconsin Act 440, the Sex Offender Registration and Community Notification law, became effective allowing for the collection and dissemination of information related to certain sex offenders.</p> <p>Wisconsin Statute 301.45 required the Wisconsin Department of Corrections to create a Sex Offender Registry Program for individuals adjudicated, convicted, and/or committed under included offenses, or comparable offenses in other state and federal jurisdictions. Under Wisconsin Statute 301.45, a registrant must report his/her residence, employment, and school enrollment, while under supervision and for 15 years from discharge, or for life, whichever applies.</p>   |
| Voting while in prison and after release | <p>Wisconsin State Statute 6.03(1)(b) prohibits voting by any person convicted of treason, felony, or bribery, unless the person’s right to vote is restored through a pardon or under s. 304.078 (3). This process also restores the right to jury duty.</p> <p>304.078(2) Except as provided in sub. (3), every person who is convicted of a crime obtains a restoration of his or her civil rights by serving out his or her term of imprisonment or otherwise satisfying his or her sentence. The certificate of the department or other responsible supervising agency that a convicted person has served his or her sentence or otherwise satisfied the judgment against him or her is evidence of that fact and that the person is restored to his or her civil rights. The department or other agency shall list in the person’s certificate rights which have been restored and which have not. Persons who served out their terms of imprisonment or otherwise satisfied their sentences prior to August 14, 1947, are likewise restored to their civil rights on and after September 25, 1959.</p> <p>304.078(3) If a person is disqualified from voting under s. 6.03 (1) (b), his or her right to vote is restored when he or she completes the term of imprisonment or probation for the crime that led to the disqualification. The department or, if the person is sentenced to a county jail or house of correction, the jailer shall inform the person in writing at the time his or her right to vote is restored under this subsection.</p> |



# Glossary

## **Bifurcated Sentence**

A two-part sentence under which a sentencing judge specifies the amount of time a convicted felon will serve in prison and the amount of time that will be spent in the community on extended supervision.

## **“Churners”**

A term for prisoners who are released from prison, placed under criminal justice supervision, and then sent back to prison for violating the conditions of their release.

## **Cognitive Behavioral Therapy<sup>1</sup>**

A course of structured counseling aimed at increasing one’s awareness of one’s thoughts, behaviors, and actions, as well as the consequences of each. These therapies use reinforcement techniques, such as rewards and consequences, to solidify behavioral change.

## **Community Corrections<sup>1</sup>**

The provision of correctional services to offenders in the community or neighborhood, rather than in an institution. Community corrections includes probation, parole, electronic monitoring, and alternative, low-security living arrangements where individuals under supervision have access to paid or volunteer work and might live in their own houses.

## **Criminogenic Factors<sup>1</sup>**

Elements of an individual’s character and environment that might contribute to him or her committing offenses, and which therefore provide information about predicting recidivism. *Dynamic* criminogenic factors are those that can be changed, such as substance abuse or antisocial attitudes. *Static* factors, such as the number and type of crimes already committed, cannot be changed. Criminogenic factors can also be called crime-producing factors.

## **Desistance**

The process of giving up criminal activity.

## **Determinate Sentencing**

Sentences of incarceration in which an offender is given a fixed term. Truth-in-sentencing is a type of determinate sentencing under which the term imposed cannot be reduced by discretionary parole (e.g., good time credit) or mandatory release parole.

## **Drug Court<sup>2</sup>**

Alternative courts that combine judicial supervision and community-based treatment for drug offenses. Typically, drug courts manage cases quickly and make provisions for intervention to occur as soon as possible to capitalize on the crisis of the arrest and to provide immediate sanctions and incentives.

**Evidence-Based Programs<sup>1</sup>**

Interventions and treatment approaches that have been shown effective through a rigorous scientific process. In the context of reentry, this often refers to a practice that has had a demonstrable, positive outcome in terms of lowering recidivism, increasing victim satisfaction, or decreasing expenditures.

**Felony<sup>3</sup>**

A criminal offense punishable by imprisonment for a term exceeding one year.

**Halfway House<sup>1</sup>**

A supervised residential environment designed to help individuals returning to the community from prison. Less than one-half of one percent of all U.S. inmates released in 1999 were reportedly served by halfway houses. Wisconsin budgeted for 535 halfway house beds in 2006-2007.

**High-Risk Offender**

An offender with a higher probability of committing another crime. These offenders have anti-social behaviors, attitudes, and beliefs and few pro-social networks. A high-risk offender may minimize his or her criminal behavior, spend time with others who get into trouble, act impulsively, not finish high school, and have difficulty maintaining employment.

**Incarceration**

Any sentence of confinement, including prison, jail, and other residential placement.

**Incarceration Rate**

The number of persons incarcerated per 1,000 or 100,000 people. Sometimes presented as a percentage obtained by dividing the total number of persons in prison at any point in time by the total number of adults in a relevant age group.

**Indeterminate Sentencing**

Sentences of incarceration in which the court sets the maximum sentence. Prisoners can be released early on parole supervision because of discretionary release (e.g., good time or earned time credits) or due to mandatory release.

**Invisible Punishment<sup>4</sup>**

A term some experts use to describe a set of legislatively defined penalties imposed on individuals convicted of crimes. Some examples of invisible punishment include felons becoming ineligible for public assistance, educational loans, driving privileges, public housing, or food stamps. They might also become ineligible to vote, have their parental rights terminated, or have to register with the police for the remainder of their lives. These sanctions are generally not visible to the public but have implications for the design and enactment of prisoner reentry policies and programs.

**Jail<sup>1</sup>**

A correctional facility designed to detain adults awaiting judicial hearings or incarcerate inmates with short sentences, generally less than one year. Jails are typically operated by local or county jurisdictions.

**Jurisprudence<sup>5</sup>**

The study of law and the structure of the legal system.

**Low-Risk Offender**

An offender with a low probability of committing another crime. Low-risk offenders tend to have pro-social networks involving school, employment, and their family; do not have substance abuse problems; and have friends who avoid trouble.

**Misdemeanor<sup>1</sup>**

Usually a less serious crime than a felony that is punishable by less than a year of confinement.

**Offender**

Someone who has committed a crime. While the term is appropriate at the time of the criminal offense, some believe that the term “prisoner” is more accurate once the offender is sentenced and enters prison. Consequently, the term “former prisoner” may be more accurate than “ex-offender” when describing someone who has served time in prison.

**Parole<sup>1</sup>**

A process whereby inmates can be released from incarceration and transferred to community supervision prior to the end of their sentence, given exceptional behavior and rehabilitation during incarceration and a comprehensive review by a parole board. Parole has been abolished in a number of states in recent years.

**Prisoner**

Person who is in prison. Some prefer this term to “inmate,” which is sometimes used to refer to a patient in a mental health facility.

**Probation<sup>3</sup>**

An alternative to prison incarceration in which a judge releases a convicted criminal offender into the community under the supervision of a probation officer. Some probationers are required to be confined to a local correctional facility for up to one year during their probation. Probation offers the offender a chance for reform and rehabilitation. The probation may be revoked if the offender violates the agreed-upon conditions.

**Program Integrity<sup>6</sup>**

Implementing a treatment or prevention program in a way that stays true to the original, tested design of a program. In order to replicate the success of correctional programs that have been shown in studies to be effective,

organizations must maintain the same program duration and intensity, implement the same program components, and adhere to the same staffing and training levels as the study.

**Property Offenses<sup>3</sup>**

Offenses against property including burglary, larceny, motor vehicle theft, arson, destruction of property and trespassing.

**Recidivism<sup>1</sup>**

When an offender commits a new crime. Different jurisdictions have different definitions of what qualifies as recidivism, ranging from a new arrest, conviction, or prison sentence, to re-incarceration due to a technical violation of the conditions of release.

**Reentry**

The process of transitioning from prison or jail to the community.

**Reentry Court<sup>1</sup>**

A specialized court that offers a forum to monitor and address any violations in the terms and conditions of supervised release. If empowered to sanction violations and reward compliance, a reentry court may eliminate some of the complications resulting from the multiple tiers of supervision.

**Restorative Justice<sup>1</sup>**

A philosophy that views crime as an act against individuals and the community. The emphasis is not on sanctions for the sake of sanctions, but rather on remedies that work best to instill accountability and the opportunity for true change of the offender, to restore financial losses for the victim, and to initiate the reestablishment of community ties that have been damaged or broken by the commission of the crime.

**Risk Assessment<sup>1</sup>**

A comprehensive examination that looks at both dynamic (changeable) and static (nonchanging) criminogenic factors and usually includes a recommendation for interventions, supervision levels, and in some cases sentencing if a new crime is involved.

**Risk Principle<sup>1</sup>**

The belief that the greatest reduction in recidivism can be achieved when the highest-risk individuals are provided with services.

**Truth-in-Sentencing<sup>7</sup>**

Sentencing requirements in Wisconsin that apply to offenses committed on or after December 31, 1999, under which the court must impose a bifurcated sentence consisting of a specified period of confinement in prison followed by a specified period of extended supervision. Under Truth-in-Sentencing, a prisoner is required

to serve 100% of the sentence and is not eligible for parole. Prisoners with crimes committed before that date are placed on parole supervision after their release from prison. *See determinate sentencing.*

### **Violent Offense<sup>3</sup>**

Threatening, attempting, or actually using physical force against a person. Includes murder, negligent manslaughter, assault, robbery, rape, sexual assault, and kidnapping.

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- <sup>1</sup> Re-entry Policy Council. (2005, January). *Report of the re-entry policy council: Charting the safe and successful return of prisoners to the community*. New York: Council of State Governments. Glossary retrieved November 28, 2007, from <http://www.reentrypolicy.org/Report/TOC>
  - <sup>2</sup> Johnson, S., Hubbard, D.J., & Latessa, E.J. (2000). Drug courts and treatment: Lessons to be learned from the “What Works” literature. *Corrections Management Quarterly*, 4(4), 70-77.
  - <sup>3</sup> U.S. Department of Justice. (2004). *Compendium of federal justice statistics, 2004*. Washington, DC: Bureau of Justice Statistics. Retrieved September 19, 2007, from <http://www.ojp.usdoj.gov/bjs/pub/pdf/cfjs04.pdf>
  - <sup>4</sup> Travis, J. (2005). But they all come back: Facing the challenges of prisoner reentry (p. 64). Washington, DC: The Urban Institute Press.
  - <sup>5</sup> Administrative Office of the U.S. Courts. (n.d.) Commonly used terms. Washington, DC: U.S. Courts. Retrieved December 5, 2007 from <http://www.uscourts.gov/library/glossary.html#J>
  - <sup>6</sup> O’Connor, C., Small, S.A., & Cooney, S.M. (2007, April). Program fidelity and adaptation: Meeting local needs without compromising program effectiveness. *What Works, Wisconsin Research to Practice Series, 4*. Madison, WI: University of Wisconsin-Madison/Extension.
  - <sup>7</sup> Anne Sappenfield. (2006, November). Criminal justice, corrections, and juvenile justice. *Wisconsin legislator briefing book: 2007-2008* (Chapter B). Madison: Wisconsin Legislative Council.





## Selected Resources on Prisoner Reentry

by Lauren Fahey  
Intern, Wisconsin Family Impact Seminars

### Wisconsin Legislative Service Agencies

#### **Jere Bauer, Jr., Program Supervisor**

General Government and Justice  
Wisconsin Legislative Fiscal Bureau  
1 East Main Street, Suite 301  
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*Interests:* Department of Corrections, the Wisconsin court system, and felony sentencing.

#### **Christina Carmichael, Fiscal Analyst**

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*Interests:* Department of Corrections, the Wisconsin court system, and felony sentencing.

#### **Anne Sappenfield, Senior Staff Attorney**

Wisconsin Legislative Council  
1 East Main Street, Suite 401  
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*Interests:* Assembly criminal and juvenile justice policy.

#### **Wisconsin Legislative Fiscal Bureau**

##### **Theobald Legislative Library**

Prisoner Reentry into the Community – a compilation of prisoner reentry publications available at the library (March 2007). Available at <http://www.legis.state.wi.us/lrb/pubs/ttp/ttp-03-2007.pdf>

## State Agencies

### **William J. Grosshans, Assistant Administrator**

Division of Community Corrections  
Department of Corrections  
3099 East Washington Avenue  
Madison, WI 53704  
(608) 240-5302  
william.grosshans@wisconsin.gov

*Interests:* Community-based services and programs including probation, parole and extended supervision, as well as jail and other criminal justice issues.

### **Mary Kay Kollat, Reentry Coordinator**

Department of Corrections  
3099 East Washington Avenue  
Madison, WI 53707  
(608) 240-5015  
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*Interests:* Improving community safety by improving the process for the return of inmates to the community after they have completed their prison sentence; promoting offender accountability and success from prison admission through release and supervision in the community.

### **Bruce Reines, Team Leader**

General Government and Justice Team  
State Budget Office  
Department of Administration  
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Madison, WI 53707-7864  
(608) 266-8270  
bruce.reines@wisconsin.gov

*Interests:* Budget and policy for state justice systems – criminal and civil, and information technology.

### **Tony Streveler, Policy Initiatives Advisor**

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Wisconsin Department of Corrections  
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*Interests:* Alternatives to incarceration, best practices in correctional programming, offender risk assessment, and offender recidivism.

## Universities

### **Richard Jones, Associate Professor and Chair**

Department of Social and Cultural Sciences  
Marquette University  
Lalumiere Language Hall, Room 340  
PO Box 1881  
Milwaukee, WI 53201-1881  
(414) 288-3436  
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*Interests:* Prison experience, reentry problems and prospects, and faith-based reentry programs.

### **Thomas P. LeBel, Assistant Professor**

Department of Criminal Justice  
Helen Bader School of Social Welfare  
University of Wisconsin-Milwaukee  
PO Box 786  
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*Interests:* Prisoner reintegration, desistance from crime, offender rehabilitation and treatment, and stigma.

### **Joseph P. Newman, Professor & Chair**

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*Interests:* Psychological processes that contribute to the dysregulation of behavior, emotion, and cognition.

### **Julie Poehlmann, Associate Professor**

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*Interests:* Children of incarcerated parents, family relationships in high-risk contexts, and evaluations of mentoring programs for children of incarcerated parents.

**Stephen C. Richards, Associate Professor**

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Criminal Justice Program  
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800 Algoma Boulevard  
Oshkosh, Wisconsin 54901-8655  
(920) 424-2179  
richarsc@uwosh.edu

*Interests:* “Convict criminology,” Inviting Convicts to College Program, correctional program evaluation, alternatives to incarceration, and reducing prison populations.

**Leslie D. Shear, Clinical Assistant Professor**

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University of Wisconsin Law School  
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*Interests:* Effects of incarceration on inmates and their children, child welfare law, advocacy on behalf of incarcerated individuals in broad range of family law matters, prisoner reintegration, and clinical legal education

## **State and National Organizations**

**Council of State Governments**

Michael Thompson, Director of Justice Center  
New York, NY  
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<http://justicecenter.csg.org/>  
<http://reentrypolicy.org> (Justice Center’s reentry resources)

*Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community* (Report, January 2005). Available at <http://www.reentrypolicy.org/Report/TOC>

*Repaying Debts* (Report Summary, October 2007). Available at <http://www.reentrypolicy.org>

**Legal Action Center**

Washington, DC  
info@lac-dc.org  
<http://www.lac.org>

*After Prison: Roadblocks to Reentry, A Report on State Legal Barriers Facing People with Criminal Records* (Report, 2004). Available at [http://www.hirenetwork.org/pdfs/LAC\\_PrintReport.pdf](http://www.hirenetwork.org/pdfs/LAC_PrintReport.pdf)

### **National Conference of State Legislatures**

Donna Lyons, Director, Criminal Justice Program  
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<http://www.ncsl.org/programs/cj/crime.htm>

*Prisoner Reentry and Lack of Substance Abuse Treatment Coverage* (Brief, March 2007). Available at <http://www.ncsl.org/programs/health/reentryib.htm>

*A Trend Among States: Helping Prisoners Re-Enter Society* (Article, April 2007). Available at <http://www.ncsl.org/programs/health/shn/2007/sn488a.htm>

### **National Council on Crime and Delinquency**

Oakland, CA  
<http://nccd-crc.org>

*Attitudes of U.S. Voters toward Prisoner Rehabilitation and Reentry Policies* (Report, April 2006). Available at [http://www.nccd-crc.org/nccd/pubs/2006april\\_focus\\_zogby.pdf](http://www.nccd-crc.org/nccd/pubs/2006april_focus_zogby.pdf)

### **National Criminal Justice Reference Service (NCJRS)**

U.S. Department of Justice  
Rockville, MD  
<http://www.ncjrs.gov>

*Major Study Examines Prisoners and Their Reentry Needs* (Brief, October 2007). Available at <http://www.ojp.usdoj.gov/nij/journals/258/reentry-needs.html>

*No Shortcuts to Successful Reentry: The Failings of Project Greenlight* (Summary, December 2006). Available at <http://www.ncjrs.gov/pdffiles1/nij/220106.pdf>

### **National Governors Association**

Thomas MacLellan  
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Washington, DC  
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<http://www.nga.org>

*Improving Prisoner Reentry Through Strategic Policy Innovations* (Issue Brief, September 2005). Available at <http://www.nga.org/Files/pdf/0509PRISONERREENTRY.PDF>

*The Challenges and Impacts of Prisoner Reentry* (Backgrounder, 2004). Available at <http://www.nga.org/Files/pdf/REENTRYBACKGROUND.pdf>

**National Institute of Corrections**

U.S. Department of Justice  
Morris Thigpen, Director  
Washington, DC  
<http://www.nicic.org/>

*Alternative Sentencing and Strategies for Successful Prisoner Reentry* (Report, June 2006). Available at <http://www.mosac.mo.gov/Documents/alternative-sentencing.pdf>

**National Institute of Justice**

U.S. Department of Justice  
Washington, DC  
<http://www.ojp.usdoj.gov/nij/welcome.html>

**University of Wisconsin Extension**

What Works: Effective Prevention and Intervention Programs  
Family Living Programs  
Madison, WI  
<http://www.uwex.edu/ces/flp/families/whatworks.cfm>

**The Urban Institute**

Washington, DC  
<http://www.urban.org/>

*Does Parole Supervision Work? Research Findings and Policy Opportunities* (Report, 2006). Available at [http://www.urban.org/UploadedPDF/1000908\\_parole\\_supervision.pdf](http://www.urban.org/UploadedPDF/1000908_parole_supervision.pdf)

*Effective Reentry Programs* (Essay, May 2006). Available at [http://www.urban.org/UploadedPDF/1001016\\_reentry\\_programs.pdf](http://www.urban.org/UploadedPDF/1001016_reentry_programs.pdf)

*Evaluation of Milwaukee's Judicial Oversight Demonstration* (Report, May 2006). Available at <http://www.urban.org/publications/411315.html>

*Returning Home: Exploring the Challenges and Successes of Recently Released Texas Prisoners* (Policy Brief, 2007). Available at [http://www.urban.org/UploadedPDF/311471\\_prisoners.pdf](http://www.urban.org/UploadedPDF/311471_prisoners.pdf)

*Understanding the Challenges of Prisoner Reentry* (Homepage). Available at <http://www.urban.org/projects/reentry-portfolio/index.cfm>

**Washington State Institute for Public Policy**

Olympia, WA  
<http://www.wsipp.wa.gov>

*Offender Reentry Initiative: Recommended Criteria for the Community Transition Coordination Networks* (Report, 2007). Available at <http://www.wsipp.wa.gov/rptfiles/07-08-1202.pdf>



## A Checklist for Assessing the Impact of Policies on Families

The first step in developing family-friendly policies is to ask the right questions:

- What can government and community institutions do to enhance the family's capacity to help itself and others?
- What effect does (or will) this policy (or program) have for families? Will it help or hurt, strengthen or weaken family life?

These questions sound simple, but they can be difficult to answer.

The Family Criteria (Ad Hoc) Task Force of the Consortium of Family Organizations (COFO) developed a checklist to assess the intended and unintended consequences of policies and programs on family stability, family relationships, and family responsibilities. The checklist includes six basic principles that serve as the criteria of how sensitive to and supportive of families policies and programs are. Each principle is accompanied by a series of family impact questions.

The principles are not rank-ordered and sometimes they conflict with each other, requiring trade-offs. Cost effectiveness also must be considered. Some questions are value-neutral and others incorporate specific values. People may not always agree on these values, so sometimes the questions will require rephrasing. This tool, however, reflects a broad bi-partisan consensus, and it can be useful to people across the political spectrum.



**This checklist can be used to conduct a family impact analysis of policies and programs.**

*For the questions that apply to your policy or program, record the impact on family well-being.*

1

### Principle 1. Family support and responsibilities.

Policies and programs should aim to support and supplement family functioning and provide substitute services only as a last resort.

Does the proposal or program:

- support and supplement parents' and other family members' ability to carry out their responsibilities?
- provide incentives for other persons to take over family functioning when doing so may not be necessary?
- set unrealistic expectations for families to assume financial and/or caregiving responsibilities for dependent, seriously ill, or disabled family members?
- enforce absent parents' obligations to provide financial support for their children?

2

### Principle 2. Family membership and stability.

Whenever possible, policies and programs should encourage and reinforce marital, parental, and family commitment and stability, especially when children are involved. Intervention in family membership and living arrangements is usually justified only to protect family members from serious harm or at the request of the family itself.

Does the policy or program:

- provide incentives or disincentives to marry, separate, or divorce?
- provide incentives or disincentives to give birth to, foster, or adopt children?
- strengthen marital commitment or parental obligations?
- use appropriate criteria to justify removal of a child or adult from the family?
- allocate resources to help keep the marriage or family together when this is the appropriate goal?
- recognize that major changes in family relationships such as divorce or adoption are processes that extend over time and require continuing support and attention?

### 3

#### **Principle 3. Family involvement and interdependence.**

Policies and programs must recognize the interdependence of family relationships, the strength and persistence of family ties and obligations, and the wealth of resources that families can mobilize to help their members.

To what extent does the policy or program:

- recognize the reciprocal influence of family needs on individual needs, and the influence of individual needs on family needs?
- recognize the complexity and responsibilities involved in caring for family members with special needs (e.g., physically or mentally disabled, or chronically ill)?
- involve immediate and extended family members in working toward a solution?
- acknowledge the power and persistence of family ties, even when they are problematic or destructive?
- build on informal social support networks (such as community/neighborhood organizations, religious communities) that are essential to families' lives?
- respect family decisions about the division of labor?
- address issues of power inequity in families?
- ensure perspectives of all family members are represented?
- assess and balance the competing needs, rights, and interests of various family members?
- protect the rights and safety of families while respecting parents' rights and family integrity?

### 4

#### **Principle 4. Family partnership and empowerment.**

Policies and programs must encourage individuals and their close family members to collaborate as partners with program professionals in delivery of services to an individual. In addition, parent and family representatives are an essential resource in policy and program development, implementation, and evaluation.

In what specific ways does the policy or program:

- provide full information and a range of choices to families?
- respect family autonomy and allow families to make their own decisions? On what principles are family autonomy breached and program staff allowed to intervene and make decisions?
- encourage professionals to work in collaboration with the families of their clients, patients, or students?
- take into account the family's need to coordinate the multiple services required? Does it integrate well with other programs and services that the families use?
- make services easily accessible to families in terms of location, operating hours, and easy-to-use application and intake forms?
- prevent participating families from being devalued, stigmatized, or subjected to humiliating circumstances?
- involve parents and family representatives in policy and program development, implementation, and evaluation?



## 5

### Principle 5. Family diversity.

Families come in many forms and configurations, and policies and programs must take into account their varying effects on different types of families. Policies and programs must acknowledge and value the diversity of family life and not discriminate against or penalize families solely for reasons of structure, roles, cultural values, or life stage.

How does the policy or program:

- affect various types of families?
- acknowledge intergenerational relationships and responsibilities among family members?
- provide good justification for targeting only certain family types, for example, only employed parents or single parents? Does it discriminate against or penalize other types of families for insufficient reason?
- identify and respect the different values, attitudes, and behavior of families from various racial, ethnic, religious, cultural, and geographic backgrounds that are relevant to program effectiveness?

## 6

### Principle 6. Support of vulnerable families.

Families in greatest economic and social need, as well as those determined to be most vulnerable to breakdown, should be included in government policies and programs.

Does the policy or program:

- identify and publicly support services for families in the most extreme economic or social need?
- give support to families who are most vulnerable to breakdown and have the fewest resources?
- target efforts and resources toward preventing family problems before they become serious crises or chronic situations?

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The Policy Institute for Family Impact Seminars aims to connect policymakers and professionals to build research-based family policy. The Institute has resources for policymakers, practitioners, and others.

- To assist policymakers, the Institute disseminates research and policy reports that provide a family impact perspective on current policy issues.
- To assist those who enact and implement policies and programs, the Institute has available procedures for conducting a family impact analysis and a number of checklists for examining how responsive policies, programs, and institutions are to family well-being.
- To assist professionals who want to create better dialogue between researchers and policymakers, the Institute provides technical assistance on what it takes to connect with policymakers, and how to establish Family Impact Seminars in their own state.
- To assist those who work with policymakers, the Institute conducts original research with policymakers on how they use research in their decisions and with professionals on what knowledge, skills, and attitudes are needed to communicate timely, high-quality research to policymakers in an accessible format.

This checklist was adapted by the Institute from Ooms, T. (1995). *Taking families seriously as an essential policy tool*. The first version of this checklist was published by Ooms, T., & Preister, S. (Eds., 1988), *A strategy for strengthening families: Using family criteria in policymaking and program evaluation*. Washington DC: Family Impact Seminar.

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## Where research meets policy on family issues

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