

Approaching REENTRY

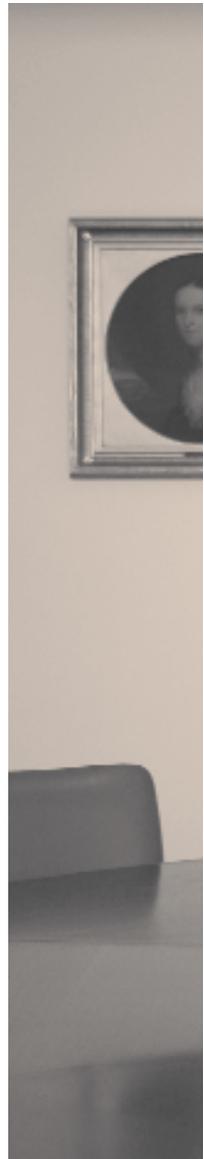
Crime expert Jeremy Travis — researcher, practitioner, now college president — is responsible for drawing national attention to the return of inmates to the community in record numbers. Can a focus on reintegration reduce the chances they will return to a life of crime?

As candidate for governor in 1990, Bill Weld put it in the most stark terms—pledging to “reacquaint felons with the joys of busting rocks”—but the general sentiment was widely shared here and across the country: Rampant urban crime in the 1980s and early ’90s called for an approach to criminal justice that was more swift and certain than traditional indeterminate sentences with early (sometimes very early, given generous “good conduct” credits) release on parole. In Massachusetts, that sentiment led to mandatory-minimum drug sentences and 1993’s “truth in sentencing” law, which did away with most sentence reductions and narrowed parole eligibility periods. For most of the ’90s, release on parole was granted more parsimoniously than before, especially for state prison inmates. Before long (as documented by Harvard researcher Anne Morrison Piehl, in the 2002 MassINC report *From Cell to Street*), a growing proportion of inmates began to turn down a chance for parole, prefer-

ring to wrap up their sentences behind bars and avoid supervision after release. Crime rates fell (though the reasons for that fall remain subject to dispute), but prison populations swelled, here and nationally, to unprecedented levels.

It was less widely recognized that, over time, more people sent to prison would mean more people coming out—by the late ’90s, more than 20,000 per year from state prisons and county houses of correction in Massachusetts alone. But the ex-offenders on the way out are starting to get some attention, in large part thanks to Jeremy Travis. His new book, *But They All Come Back: Facing the Challenges of Prisoner Reentry*, is the capstone of more than five years of work—academic and programmatic—on the subject, at the National Institute of Justice and at the Urban Institute’s Justice Policy Center.

Travis, who turns 57 shortly after this issue appears, is a Yale- and New York University-educated lawyer who has





worked at many levels of the criminal justice system in his long professional career in New York City and Washington, DC. Starting out as a legal-services assistant, Travis promoted bail reform and victim/witness assistance at the Vera Institute of Justice, directed the New York City Criminal Justice Agency (a research-and-development shop for criminal justice programs), and was a consultant to the New York City Board of Correction. After he received his law degree, Travis clerked for then-US Appeals Court Judge Ruth Bader Ginsburg and served as legal counsel to four different New York City police commissioners, from Benjamin Ward to Bill Bratton. Along the way, he was an advisor to Mayor Ed Koch and chief counsel to a US House of Representatives criminal justice subcommittee.

From 1994 to 2000, Travis was director of the National Institute of Justice, the research arm of the US Department of Justice. It was toward the end of his tenure that he directed

his attention to what happens at the end of a prison sentence. He carried that focus with him to the Urban Institute, where, as a senior fellow, he designed the first multi-state, longitudinal study of prisoner reentry. He also convened a series of “reentry roundtables,” which involved nationally prominent researchers, practitioners, and ex-offenders in rethinking the return of former prisoners to society.

Then, a year ago, Travis was named president of John Jay College of Criminal Justice, a division of City University of New York now 40 years old. A liberal arts college with an enrollment of 12,000 undergraduates and 2,000 graduate students, John Jay is one of the leading institutions of teaching and research in public safety—and a perfect perch for Jeremy Travis.

“I have always straddled the boundary between research and practice with a focus on criminal justice policy, particularly trying to understand why things work the way they

PHOTOGRAPHS BY WILLIAM MOREE

do and how to make things better,” says Travis by phone from his campus office on Manhattan’s West Side. At John Jay, what Travis is trying to make better is the college’s research capacity and its forensic science offerings, the former by bringing in new scholars from throughout the country—including David Kennedy, one of the architects of Boston’s renowned anti-crime program in the 1990s (see “Scene of the Crime,” *CW*, Winter ’03), whom he lured away from Harvard’s Kennedy School of Government—and the latter by developing the country’s first doctoral program in the field. In addition, says Travis, “we’re developing what will be a very robust international studies program to recognize that, particularly in the world after 9/11, but certainly before then as well, any conversation about crime must recognize its transnational nature.”

But the focus of our conversation is the political, social, and public safety challenge of ex-offenders returning home. What follows is an edited transcript of our discussion.

—ROBERT KEOUGH

CommonWealth: Let’s talk about reentry.

Travis: Yes, my favorite topic.

CommonWealth: It’s the new buzzword in criminal justice circles, the thing that people are talking about and thinking about. It seems to me that you are as responsible as anyone for making that the case. Tell me how prisoner reentry got on your radar screen, and more important, how it has become a focus of a system that, since the 1980s, has been otherwise focused on putting criminals away.

Travis: Well, it started with a simple question. In a meeting in 1999, [US Attorney General] Janet Reno asked me and another colleague what we were doing about all the people coming out of prison. I didn’t have an adequate answer. She asked me to get a better answer in two weeks. It took me five years.

CommonWealth: A little trouble with deadlines, huh?

Travis: That’s right. I became fascinated with the reentry phenomenon and the policy implications of this focus on people coming out of prison. When we started working on... the attorney general’s question, the first thing we realized was that the number of people coming out of prison was just shocking. At the time, it was 585,000; now it’s 630,000 a year coming out of state and federal prison—1,700 people a day. This number was four times greater than the number of people who had come out of prison 20 years earlier. The number caught all of us—I can’t say by surprise, because we shouldn’t have been surprised—but it sort of hit us over the head. What we realized then and what the nation,

to some extent, is realizing now is that, while we were debating sentencing policy—how tough should we be, should we have mandatory minimums, “three strikes,” and the like—we were forgetting what I call the iron law of imprisonment, which is that everybody we put into prison comes back. Except for those who die of natural causes or by execution, they all come back, hence the title of the book.



So, as a policy proposition, the national conversation around prisoner reentry starts with the realization of the inevitable return home of those we send to prison. That very pragmatic focus means that we can set aside some of the ideological debates that have divided us and focus on a bottom-line concern, which is: How do we improve outcomes for people coming back so that they are more likely to be reintegrated and less likely to be rearrested?

CommonWealth: As you say, reentry is now coming to the forefront after almost a generation of argument over the purposes and methods of criminal punishment. But I take it from your book that the focus on reentry is new now, but it hasn’t always been ignored. In fact, the question of release and what happens to people on the way out used to be a much more central part of the criminal justice process.

Travis: Much more prominent. We basically lost our focus on a very important attribute of imprisonment, which is the

return home. For a period in our nation's history, for 50 years, there was a national consensus that we should follow a sentencing system called indeterminate sentencing. Although one can debate it—and we've had many debates about the wisdom of indeterminate sentencing—at its core it recognized the inevitability of reentry by focusing on preparation for release, on rehabilitation (which is also coming back into vogue these days), on supervision and reintegration on the outside. And on creating incentives for prisoners to take the courses and the programs and do the mental and emotional work needed to get ready for returning home. The indeterminate sentencing model provided a framework for thinking about and preparing for the inevitable return home. The policy question, then, that we need to face is whether, in this cacophony of sentencing policy where there's no national consensus, we can resurrect a policy focus on the reality of reentry so that the 630,000 people [a year] coming out now, many more than ever before, are more likely to succeed on the outside.

CommonWealth: Now in the simplest of terms, what's wrong with the reentry process we've got now? On the face of it, the shift toward more determinate sentencing makes for a simpler notion of what it means to reenter society from prison. It means, "You do your time, then you're released." That's the bargain.

Travis: Yes, but released in what shape? Indeterminate sentencing created an incentive for people to prepare for their release by allowing them to have the option of a reduction of their sentence if they could show that they had made progress while they were in prison and they had housing and a job ready for them when they get out. The parole decision is about lots of things, and I don't agree with all the things that have been loaded on to the parole decision, but one of the attributes, a baby that we've thrown out with the bath-

cause they declined to go before parole boards. What an interesting sentencing policy. To me, it's beyond ironic, it is madness, that we allow people to determine themselves whether they are supervised when they get out.

Finally, our system allows people to be in solitary confinement on a Monday and released without supervision on a Tuesday. When it comes to the reality of reentry, we don't have a systematic approach. In the book, I argue for universal supervision. Everybody should be supervised when they get out. And I know there's a debate within Massachusetts on that right now.

CommonWealth: A bizarre thing, indeed. That report by Anne Piehl, and its call for mandatory post-release supervision, have some legs within the political establishment here. The proposal got stalled because it would be a costly thing to supervise every released inmate—though not everyone admits it would be costly—and we've had several years of budget crisis that put it off the table. But there is considerable interest in the administration, especially Lt. Gov. Kerry Healey, and the Legislature for creating a system of mandatory post-release supervision. Would this proposal put Massachusetts in the right direction on the reentry issue?

Travis: Yes, with two caveats. I always have two caveats when I spin out the argument for mandatory supervision. One is that there should be incentives created for parolees to reduce their period of supervision. If somebody's doing well, we don't need them on supervision for three years, five years, whatever. There needs to be a way, in legislation, for that part of the sentence to be shortened. Second, there has to be a rethinking of the conditions of supervision and particularly the approach to revocation of someone's parole—that is, sending them back. A little segue here: We've created, nationally, a system of what I've termed back-end sentencing that has grown enormously over 20 years. We now send as

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water, is that it created incentives for prisoners themselves to get ready, and to get their external networks of support ready for their release. Now, when somebody gets released automatically, there's no incentive.

Secondly, we have allowed—and this is both with indeterminate sentencing and determinate sentencing—for the possibility of people being released with no supervision. This is particularly true in Massachusetts. I hope you noted, I cite—I think it's in a footnote somewhere—Anne Piehl's study [*From Cell to Street*] that showed the increase in the number of people serving their entire sentence in prison be-

many people to prison through the back door, over 200,000 each year, as we sent to prison through the front door 20 years ago. It doesn't make sense to supervise lots of people very stringently and enforce things very rigidly with the sanction of a return to prison because—guess what?—*they* all come back, too. It doesn't make sense that for every dirty drug test, you go back to prison, unless you're tying that sanction, as we do in drug courts, to some larger program of trying to get people to modify their behavior. These two caveats to universal supervision are very important so that we just don't extend this reach of supervision mindlessly and think

we've done a good thing. I don't know if you've seen this recent report from the Urban Institute [*Does Parole Work? Analyzing the Impact of Postprison Supervision on Rearrest Outcomes*] that, using national data, compares people under supervision to people not under supervision and finds basically that supervision doesn't reduce crime. This is a stunning finding. I'm not surprised by it, but this is the first study that's really looked at it systematically. So we have to rethink supervision in order for supervision to make sense.

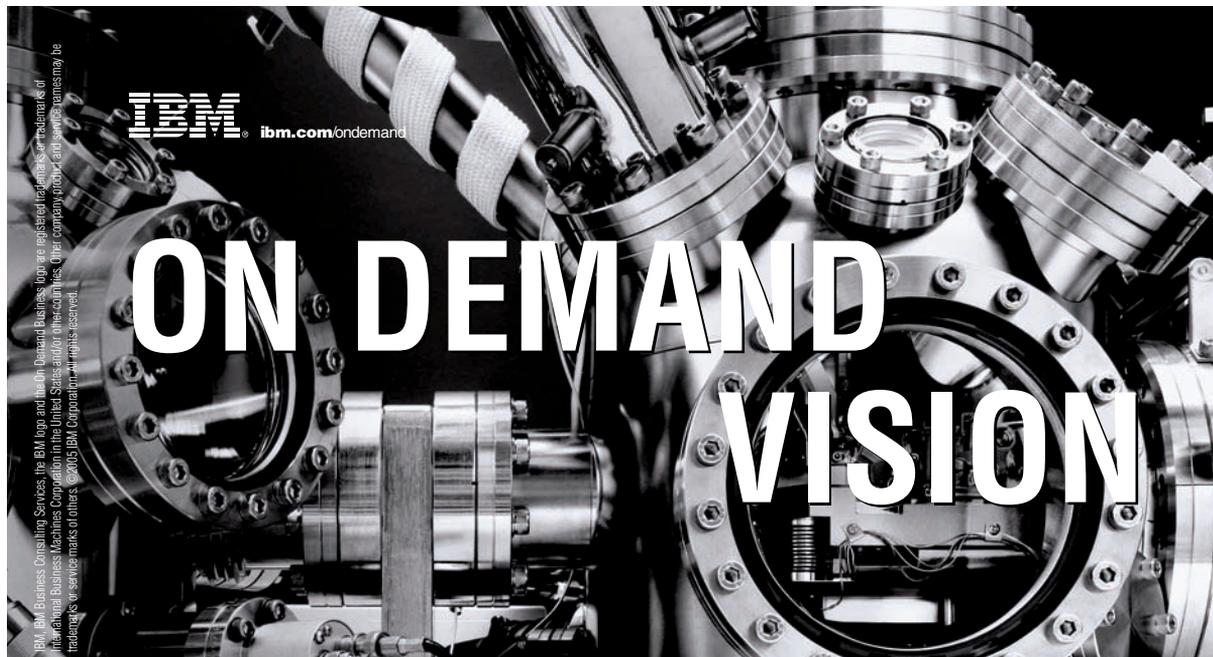
CommonWealth: That seems to me a fairly troubling point. You favor universal supervision, but you note that there is no evidence that supervision, at least by itself, is effective in reducing the return to criminal behavior. What would make supervision more effective?

Travis: Well, I have borrowed a phrase from the welfare reform movement and argued that it's time to end parole as we know it. It's time for us to just go back to basics and ask: What are the outcomes we want, how are we going to get them, and how do we know whether we've gotten them? The first outcome we want is a public safety outcome. We want to see reductions in criminal behavior. In order to achieve that outcome, we have to significantly reorganize existing

resources. I'm not talking here about new resources necessarily. We have to reorganize existing resources so that we apply those resources at the time of greatest risk of failure. The greatest risk of failure is in the first weeks and months after somebody gets out of prison. Having a supervision system that applies resources basically flatly across the time of supervision—office visits and whatever—does not align resources to risk.

CommonWealth: Right.

Travis: If you have high rates of failure in the first weeks and months after getting out of prison, that's where the public should want the resources devoted to reduce those rates of failure. And resources devoted then and there, at that point in the process, will be very different from traditional supervision. There will be resources needed to keep people sober, to keep people off the streets—we have high rates of homelessness among released prisoners—to make sure that those who are mentally ill get their medication, and to work to resolve family conflicts so people don't get kicked out of their homes because Mom doesn't want the son back after prison. We need to rethink both when we apply resources—and the answer there is they should be when the



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that sort of supervision. In most states, including Massachusetts, we have parallel agencies doing that, the probation department and the state parole board.

Travis: Here's a crazy idea. In the same family, you can have an older brother supervised by parole, a younger brother supervised by juvenile probation, and a sister who is involved in some other sort of criminal justice supervision, like pre-trial release, all with different legal obligations and reporting to different supervision agencies. So the idea I put forward is to create a community justice corporation that would be responsible for justice-related supervision of all sorts within a community... It's inefficient to have people on the same block reporting to different agencies when the functions are basically the same. Why not create an entity, what I called a [justice] intermediary, that does this work on behalf of the justice system and is not constrained by these arbitrary legal definitions?

CommonWealth: Now, backing up in the criminal-justice pipeline for a minute, you make the point—and I think this

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risk is greatest—and what resources are applied in order to reduce the risk. So the first outcome we want is a public safety outcome. For that we need a fundamental rethinking of the nature of supervision and support. And we have to put the resources where the risk is highest.

The second outcome we want is reintegration. We want people to be reconnected to the institutions of our society that are likely to help them become productive citizens. We need to reconnect people to the world of work, to family, to civic institutions, to churches—and that's not seen as a traditional imperative during the reentry process.

I argue in the book that both of these functions, the risk reduction and the reintegration enhancement functions, are best performed at the community level with community resources. We need to devolve supervision to the local level and create a different way of managing these resources with a community organization, what I call a justice intermediary, that manages the questions of where's the job, what's going on with the family, what do we know about risks of relapse to drug addiction, and how do we help individuals go on the right track and stay away from people and places of risk. Asking someone to come to a downtown office for a meeting with their parole officer doesn't do that.

CommonWealth: You also argue that, if you do supervision locally, you shouldn't have two different agencies providing

is one point the correctional establishment is coming to understand—that reentry doesn't begin the moment a prisoner leaves the institution. Rather, it needs to be planned for, prepared for, really for the entire time that someone is incarcerated. That adjustment would seem to be pretty difficult for an institution that, certainly for the last 20 years, has taken as its overriding mission one of security, of providing public safety on the shortest-term basis possible, by simply keeping an offender off the street. How do you reorient an establishment like this to take a different view of what its mission is?

Travis: This is one of the most exciting developments in the field, the profound shift in corrections philosophy that we're seeing today. We have correctional leaders who are redefining the mission of their agencies as being the successful reentry of the people held in their institutions. This is a profound change. It is a recognition of a larger social obligation of this profession that we have entrusted a lot of responsibility to—an obligation, basically, to the people on the outside to assure them that the people on the inside return home to become productive citizens. It is analogous to the shift that we saw in policing 15 years ago, when police departments and police leaders began to articulate a different obligation to the community, which is to work with the community to prevent crime, not just respond to crime when it happens.

The next impetus for change we're now starting to see is the governors who are asking their corrections agencies to embrace the larger mission of successful reentry. So we have, in California, Gov. [Arnold] Schwarzenegger, who is —how ironic— one of the leading prison reform advocates in the country, talking about the responsibility of his Department of Corrections for successful reentry. They've even renamed the department as the Department of Corrections and Rehabilitation. We have Gov. [Robert] Ehrlich in Maryland—another Republican, which is interesting— who is transforming that corrections department to take on the reentry mission. Just as mayors started to hire police chiefs who were committed to the philosophy of community policing because it was good for their communities, so, too, governors are now starting to ask their corrections directors to recognize their larger responsibility for successful reentry. This will take another decade, but I think this will be an irreversible change.

CommonWealth: Your book is a product of more than five years of work at the National Institute of Justice, and at the Urban Institute. During that time you were both leading research projects and also promoting experimentation in this field. From that five years of experience, what inklings do you have

about what works and what doesn't?

Travis: I think it's understandable, but premature, to ask what works on reentry.... We have a number of programs, and individual programs can be evaluated on their effectiveness, but what the field is ready for now are some demonstration projects to test fundamentally new ways of approaching the reentry process. If you look around the country, you can see the pieces of what those demonstration projects might look like. For example, in Baltimore, there's an initiative called the Reentry Partnership, which is a community-based initiative, where a coalition of community organizations, working with the Maryland Corrections Department, goes into prison to speak with every prisoner returning to their community to talk about the support the community will provide for successful reentry and the expectations the community has for the returning prisoner. They are providing transitional housing for everybody coming out of prison. They are working to make sure that health care connections have been established before release. They are meeting with family members to ensure that the returning prisoner will be welcome at home. They are creating support networks of former prisoners to help newly released individuals make a safe transition. This is all now

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sponsored by the Department of Correction. The police and the parole officer have a seat at this table, but they are decidedly behind-the-scenes partners, with the community taking the lead. That's a very, very interesting model because it recognizes the importance of these community connections and it's not just about legal supervision.

There's another model that I talk about a lot in the book, which is the reentry court. Reentry courts, like drug courts, provide a forum for the application of both incentives and sanctions for people coming out of prison. The judge sitting in a reentry court can marshal resources and conduct a conversation with a former prisoner quite different from what a parole officer can do. A judge in a reentry court can

area of employment. This is an area that ex-offenders are particularly ill-equipped to navigate on their own, and it's also an area where they're particularly subject to what you call "invisible" or "collateral" punishment. Prisoners, as a group, are low skilled, they're poorly educated, they have spotty work records, and a criminal record to boot. Meanwhile, we're expanding access to those criminal records, and we're expanding the number of jobs for which record checks are mandatory (see "Job (dis)qualifications," *CW*, Fall '03). The blue-collar manufacturing jobs that might be easiest for ex-offenders to slip into are declining, while the jobs that are growing are in health care, financial services, and retail, where employers and the public could have legitimate concerns

'The national challenge is, to me, very similar to the challenge that we faced on welfare reform.'

say, "If you're failing to meet an important obligation, then we'll increase the level of supervision or maybe even put you in jail for a weekend." The idea of a more open process with a goal of successful reintegration, managed by judges, with the high respect that they're accorded by our communities, is another very interesting model. In the book, I put all of these together to say, imagine a world in which we have a true community-level system of devolved supervision, like we see in Baltimore, and a corrections agency that is committed to reentry from the first day of admission into prison, like we see in Ohio, and a reentry court where the back end of the process is managed in a very different way and the goal is successful reintegration. Then you start to see the pieces of a very different jurisprudence of reintegration.

CommonWealth: Is this reentry court up and running anywhere?

Travis: Yes, my favorite is in Ohio, in Richland County. But there are maybe a couple dozen of them around the country. Ohio is the state that is thinking about them most systematically, but there are some in Nevada, there's one in New York. I don't know of any in Massachusetts.

CommonWealth: No, I'm not aware of any either.

Travis: The last chapter of the book is on jurisprudence of integration, directed to the Legislature, because this is not a program, this is a structural change in who is responsible for the reentry process. I'm proposing a pretty ambitious rethinking of things.

CommonWealth: Yes, absolutely. One area of challenge that, it seems to me, is particularly discouraging, frankly, is the

about known lawbreakers being put to work there. What do you do with that constellation of difficulties?

Travis: Yes, this is very tough. The challenge here is to take a population that shows very low skill levels, that is further disadvantaged by this criminal-justice involvement, and that finds it very difficult to connect to jobs when they come out of prison, and make an affirmative program of reconnecting prisoners to work. This is important for two reasons: One, to be connected to work is associated with lower levels of crime. But secondly, we want people to be productive citizens and taxpayers and provide for their families. The research finding that is most discouraging here is that people who have been imprisoned have a 10 percent to 30 percent diminution of earnings over their lifetimes....Our high rates of incarceration in a small number of communities have had the effect of depressing the earning power of the men—it's mostly men—in those communities. This should be for the country, particularly for urban America, a real cause for alarm. I propose we do a number of things. First, prepare people better while they're in prison, and we don't do that well. But more importantly, I think, is to find opportunities for individuals to start work once they come out. First preference should be given to private sector work, but if private sector work is not available, [we should] create in the public sector a program of short-term or transitional employment. The model... is one here in New York City called the Center for Employment Opportunities. Basically, it provides jobs for the prison returnee population on a contract basis. They virtually pay for themselves doing government service or community service work. [The program] recognizes that this population is in a transitional state, and they'll need counseling and they'll need other things at the same time.

The national challenge is, to me, very similar to the chal-

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lenge that we faced on welfare reform. Here we have, as we did with welfare, a large population of people who are outside of the labor market, whose skills are not being used for their families or, in a macro sense, for the national economy, where the government and the private sector should work together to provide the transitional supports to bring this segment of our population back into the labor market. It's going to take some creativity, but I think the welfare reform model offers lots of useful lessons. The public in general needs to be persuaded of the importance of this, as has happened with welfare reform, but long term it's going to be really, really beneficial, both to the individuals and to the economies of these communities and to the national economy.

CommonWealth: To wrap up, let's take a step back philosophically. You say that, despite the shift toward more punitive philosophies of criminal justice over the last generation, you see it possible to superimpose a goal of promoting reintegration on all the existing sentencing frameworks that we've got cobbled together in this country now.

Travis: Right.

CommonWealth: How is that possible? How do you, with the varying interests and goals that are involved in a criminal justice system, put together a jurisprudence of reintegration, as you call it, that can be broadly embraced?

Travis: I think there are examples in our history, in crime policy and social policy generally, where we've been able to set aside ideological differences to find a common purpose. I mentioned welfare reform, community policing, the interest in crime prevention. There are a number of areas like these where we as a country have focused on very pragmatic, bottom-line, non-ideological outcomes that would benefit our society. So my hope is the interest in reentry will translate into a legislative agenda that will promote some of these fundamental reforms, that we will have tested these ideas in communities around the country, so that legislatures will be able to have confidence that they're going in the right direction. And that we can, over the next several years, see some reductions in the national recidivism rates and promote some more successful outcomes, such as increased employment, increased family reunification, reductions in homelessness, and reductions in mental illness and drug addiction among a population where all of those indicators are now very high. We're at the point now where, as you said at the outset of our conversation, reentry is the buzzword. That means something, in terms of there being a lot of ferment around the country. Over the next several years that ferment should translate into a legislative reform agenda that will be based on some real experiences in real communities about how to do things fundamentally differently. ■