

Hard Time

Ex-Offenders Returning Home After Prison

Never before in U.S. history have so many individuals been released from prison. More than 600,000 people — 1,600 a day — were released in 2003, a number nearly equal to the population of Washington, D.C., and greater than the state of Wyoming. The number is expected to grow in future years as more inmates complete long prison terms. Just 7 percent of all inmates are serving sentences of death or life without parole, and only a fraction of inmates — about 3,000 each year — die in prison. Thus, 93 percent of all inmates eventually return home.

Society has always struggled with how best to help inmates re-integrate once released, but the current situation is unprecedented. The number of returning offenders dwarfs anything in America's history. The needs of offenders appear more serious, the parole system retains few rehabilitation programs, and the housing and employment barriers offenders face upon return are more daunting. It is now time to design effective reentry programs. To do so, corrections professionals must better understand the characteristics of inmates coming home, the needs and risks offenders represent, and society's legal and practical barriers to re-integration.

Who Is Coming Home?

Most of those released from prison today have serious social and medical problems. More than three-fourths of the inmates scheduled for release in the next year report a history of drug

and/or alcohol abuse. One-fourth have histories of injection drug use and 16 percent report a mental condition. Yet less than one-third of exiting inmates received substance abuse or mental health treatment in prison. And while some states have provided more funding for prison drug treatment, the percentage of state inmates participating in such programs has been declining, from 25 percent a decade ago to about 10 percent today, according to *Prisoner Reentry in Perspective*.¹

Few inmates have marketable skills or sufficient literacy to become gainfully employed. According to the Bureau of Justice Statistics, one-third of all U.S. inmates were unemployed at their most recent arrest, and only 60 percent of inmates have a GED or high school diploma (compared with 85 percent of the U.S. adult population). The National Adult Literacy Survey established that 11 percent of inmates, compared with 3 percent of the general U.S. population, have a learning disability, and 3 percent are mentally retarded.

Again, despite evidence that inmates' literacy and job readiness has declined in the past decade, fewer inmates are participating in prison education or vocational programs. Today, only 25 percent of all those released from prison will have participated in vocational training programs, and about one-third of exiting inmates will have participated in education programs — both figures down from a decade ago, *Prisoner Reentry in Perspective* indicates.

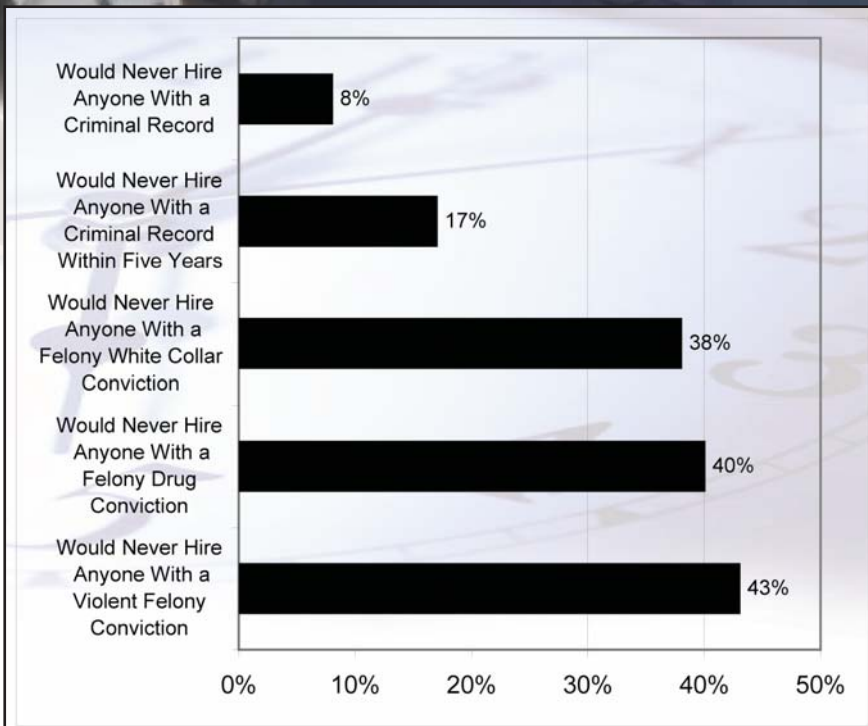
Preparing Inmates For Release

If inmate needs are more serious than in the past, why have the programs to meet those needs declined? Part of the problem is money, which is even more of a problem now with a declining economy. The nation now spends about \$31 billion a year to operate the nation's prisons. By adding in jail, probation and parole, the nation spends nearly \$50 billion annually on corrections.

These dollars have not funded more treatment and work programs, but rather prison staff, construction and rising prison health care costs. Inmates are the only U.S. citizens who have a constitutional right to receive free medical care because they are not able to seek care on their own. As the inmate population has gotten older and sicker, data from the American Correctional Association indicate that inmate health care costs have risen from an annual average of \$880 per inmate in 1982 to nearly \$3,300 per inmate in 2003. According to the 2003 *Corrections Yearbook* by the Criminal Justice Institute Inc., medical budgets comprise, on average, 10 percent to 12 percent of a state's total correctional operating budget, and that percentage is increasing each year. Prison treatment programs, on the other hand, comprise 1 percent to 5 percent of state prison budgets, and that percentage is decreasing each year. At least 25 states report having made cuts in vocational and technical training, the areas most likely to provide inmates



Figure 1. Employers' Reported Levels of Comfort With Those With Criminal Records



Source: Wirthin Worldwide, 2000.

Employment And Workplace Restrictions

While prisons were reducing services to inmates behind bars and after release, Congress and many state legislatures were independently passing dozens of laws restricting the kinds of jobs ex-inmates could be hired for, easing the requirements for their parental rights to be terminated, limiting their right to vote and restricting their access to public welfare and housing subsidies. Jeremy Travis, author of the article "Invisible Punishment: An Instrument of Social Exclusion,"³ writes that these new laws have remained rather unnoticed and undebated, but their effects on inmate re-integration are profound.

Most experts believe that finding a job is critical to successful re-integration. Employment helps ex-offenders be productive, take care of their families, develop valuable life skills and strengthen their self-esteem and social connectedness. Research has empirically established a positive link between job stability and reduced criminal offending. Despite this critical link, the number of occupations ex-offenders are barred from has increased dramatically since 1985, and former inmates face an explicit unwillingness of many employers to hire them for jobs from which they are not legally barred.

It is generally illegal for an employer to impose a flat ban on hiring ex-offenders. However, employers are increasingly forbidden from hiring them for certain jobs and are mandated to perform background checks before hiring an applicant for many others. Ex-offenders are now commonly barred from working in the fields of child care, education, security, nursing and home health care — exactly the jobs that labor economists say are growing the fastest. More jobs are also

with an alternative career when they leave prison.

Ironically, as inmate needs have increased and in-prison programs decreased, parole supervision and services have also decreased for most reentering inmates. In 1977, just 4 percent of all inmates released "maxed out" or served the maximum amount of time allowed by law for their criminal conviction. But today, 18 percent — or nearly one in five of all exiting inmates — max out, having no obligation to report to a parole officer or abide by any other conditions of release.² That is about 150,000 inmates a year, or about the same number of total parole releases in 1980.

This all results in higher-risk inmates going into prison, fewer programs and more idle time while in prison, and a greater number getting out of prison without the benefits and control of parole supervision. Some worry that inmate reentry equates to inmate recidivism and may lead to increased crime rates. FBI statistics show that murder increased 1.7 percent in 2003, the only crime type to show an increase from 2002. Already, crime increases in Boston, Chicago,

Oakland, Calif., and Los Angeles are being blamed on inmate returns.

Inmates who do not max out are released to parole supervision, but what does that mean for most inmates? Most of them will be given a bus ticket and told to report to the parole office in their home community. National statistics also show that 10 percent of all state parolees who are required to report to parole offices after release fail to do so. They abscond supervision and their whereabouts remain unknown to parole authorities. In California, which supervises one out of five parolees nationwide, the abscond rate is a staggering 22 percent.

By adding the number of parole absconders (about 44,000), to the number who were not required to report to parole in the first place (150,000), this comes to nearly 200,000 parolees coming out of prison each year who remain unsupervised, or their whereabouts unknown on a daily basis — this equates to one-third of all exiting inmates. Clearly this should be a cause for public concern, particularly for the inner-city communities to which most ex-offenders return.

now unionized, and many unions flatly exclude ex-offenders. Even a prior arrest as a juvenile is an absolute bar to employment in certain occupations in many states.

Even if ex-offenders can legally qualify for some jobs, a recent employer survey conducted by Worthlin Worldwide⁴ in five major U.S. cities for unskilled jobs found that roughly 65 percent of all employers would not knowingly hire an ex-offender (regardless of the offense), and between 30 percent and 40 percent actually checked the criminal history records of their most recently hired employees (see Figure 1). Therefore, the number of jobs for ex-offenders is declining rapidly.

No state or federal prison tracks the number of inmates employed after release, but the few available statistics continue to reveal high rates of joblessness among this group. Unemployment among ex-offenders has been estimated at between 25 percent and 40 percent. In California, it has been estimated that as many as 80 percent of ex-offenders remain jobless a year after being released from prison.

Clearly, the bias and stigma arising from having a criminal record limit the job prospects of ex-inmates. Civil disabilities and other legal restrictions limit the jobs for which they can apply, and in jobs for which they are legally eligible, there is stiff competition for a declining number of them. If parolees are truthful about their backgrounds, many employers will not hire them. If they are not truthful, they can be fired for lying if the employer learns about their conviction.

Publicly Available Criminal Records

The expansion of legal barriers has been accompanied by an increase in the ease of checking criminal records

Table 1. Number and Percentage of U.S. Adult Population With Criminal Records of Various Types, 2000

Type of Criminal Record	Percent of Population			
	Total	All Adults	Adult Males	Adult Black Males
Inmates (includes current or former inmates and parolees; federal and state)	5 million	2.5%	5%	15-19%
Felons (includes prison, parole, felony probation, and convicted felony jail populations)	13 million	6.5%	11%	29-37%

Source: Uggen et al. 2002.
* The lower bound estimates assume a 25 percent higher recidivism rate for black inmates, probationers and parolees.


due to new technologies and expanded public access to criminal records through the Internet. Historically, criminal records were restricted to law enforcement and those with a “need to know.” Today, those restrictions have been lifted and, for all practical purposes, one’s criminal past is public. In 29 states, “anyone” can obtain at least some type of criminal record information on anyone they wish. In 25 states, that information can be publicly accessed through the Internet.⁵

Expanded restrictions now apply to a greater percentage of the U.S. population simply because of the explosion in the number of people convicted and imprisoned during the past decade. The Department of Justice reports that more than 59 million Americans have a criminal arrest record on file with state repositories — or 29 percent of the nation’s entire adult population — the number of records more than doubling in the past decade.

Further, researchers estimate that more than 13 million Americans are ex-felons, that is, they had been convicted of a felony and served or are currently serving a felony probation, parole, prison or jail sentence. This equals about 6 percent of the entire adult population, 11 percent of the adult male population and an astounding 29 percent to 37 percent of the adult black male population (see Table 1).

Certainly, the public safety benefits of sharing criminal record information are undeniable, but there are inherent dangers as well. Some of the criminal record information in the FBI and state registries has been shown to be inaccurate, yet it is shared with landlords, financial institutions and employers as if it were valid. Eric Johnson of SEARCH Group Inc., conducted a review in 2002 for the DOJ, and he found that about 60 percent of all arrest entries failed to record final disposition data.⁶ Yet 10 states provide members of the general public with this arrest-without-disposition information.

Of course, access to criminal records is tremendously useful in protecting victims, community members and employers. This value cannot be overstated. However, the detrimental effects on returning inmates must be considered, given that these records — some of them inaccurate — will be used to make decisions about them for the rest of their lives. As the number of people and kinds of crimes that get sentenced to prison has expanded, more first-time drug offenders have these restrictions applied to them — often for life. These people, who would not have gone to prison just 20 years ago, would not go to prison in other countries and are now forever labeled an ex-offender. Once someone’s record



gets posted on the Internet, there is no pulling it back.

Housing And Homelessness

Parole officials say finding housing for parolees is by far their biggest challenge, even more difficult and important than finding a job. State inmates are often incarcerated in facilities far away from their return destination, and have no opportunity to secure housing prior to discharge. Parole conditions can also prevent parolees from living or associating with others who are criminally involved. This restriction includes family and friends who may be willing to take this person in. And since ex-inmates are usually unable to amass the funds required to move into an apartment (e.g., first and last month's rent, security deposit), the private housing market, which represents 97 percent of the total housing stock in the United States, is usually cost-prohibitive. Even if they can afford it, landlords conducting background checks or requiring credible work histories usually pass over an ex-offender applicant.

Ex-inmates attempt to locate suitable public housing, but recently passed public housing laws now require public housing agencies and providers to deny housing to certain felons (e.g., drug and sex offenders). Even if they qualify, waiting lists can be as long as two to three years for subsidized housing. What results is that former inmates show up at crowded shelters with long waiting lists and limits on the number of days they can remain in residence.

Inmates returning to their families in subsidized public housing complexes are often no longer welcome. Due to the U.S. Department of Housing and Urban Development's "one strike and you're out" policy, the Public Housing

Authority may evict all members of the household for criminal activities committed by any one member of a household. In addition, federal regulations grant the Public Housing Authority the discretion to prohibit admission of all other criminally involved individuals. These restrictions, combined with the fact that the inventory of U.S. public housing continues to shrink, means that parolees are seldom allowed to live in public housing.

Housing and homelessness certainly affect an individual's chances of recidivism. However, analysts say there are broader implications and parolee homelessness influences overall crime rates in the community. Large numbers of transients, panhandling and vagrants increase citizen fear, and that fear ultimately contributes to increased crime and violence.

Reforming Parole And Reentry Practices

For most offenders, corrections does not mean correct. Indeed, the conditions under which many inmates are handled are detrimental to successful re-integration, and many of the restrictions placed on returning inmates proved deeply counterproductive. Clearly, policies are needed that reflect the states' legitimate interests in public protection, but do not simultaneously, in and of themselves, diminish an individual's motivation and ability to change, which produces more crime in the long run. The following recommendations should receive priority in parole reform efforts.

Reinvest in prison work, education and substance abuse programs.

The corrections field simply cannot reduce recidivism without funding programs that open up more treatment and work programs for ex-offenders. Today, there is ample evidence that treatment can reduce recidivism if the

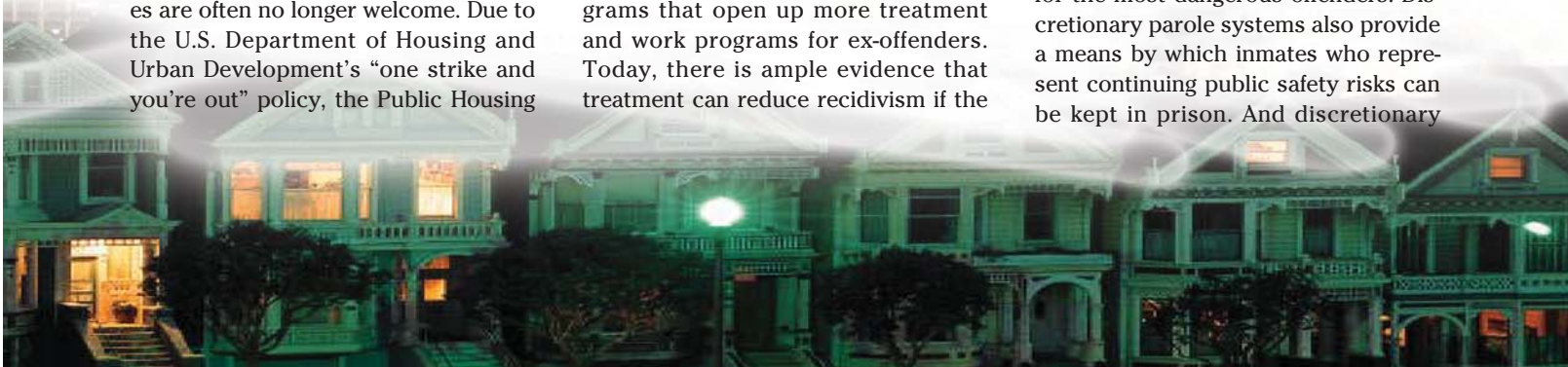
programs are well-designed, well-implemented and targeted appropriately.


Effective programs include therapeutic communities for drug addicts, substance abuse programs with after-care for alcoholics and drug addicts, cognitive-behavioral programs for sex offenders, and adult vocational education and prison industries for the general prison population. Steve Aos and his colleagues⁷ found that each of these programs has been shown to reduce the recidivism rates of program participants by 8 percent to 15 percent. Even with these relatively modest reductions in subsequent recidivism, these programs pay for themselves in terms of reducing future justice expenditures.

Discretionary parole should be reinstated in the 16 states that have abolished it.

Abolishing parole was a politically expedient way to appease the public who wrongly equated parole with letting inmates out early. However, the public was misinformed when it labeled parole as lenient. On the contrary, recent research shows that inmates who are released through discretionary parole actually serve longer prison terms, on average, than those released mandatorily, and the difference is most pronounced for violent offenders. Inmates released by a discretionary parole board also have higher success rates. Both of these results hold true even after statistically controlling for crime type, prior criminal history and other demographics.

These data suggest that having to earn and demonstrate readiness for release, and being supervised post-prison, may have some deterrent or rehabilitation benefits — particularly for the most dangerous offenders. Discretionary parole systems also provide a means by which inmates who represent continuing public safety risks can be kept in prison. And discretionary





parole also serves to refocus prison staff and correctional budgets on planning for release, not just opening the door at release.

Front-load post-prison services during the first six months after release. Recidivism data show that return to crime happens very quickly; 30 percent of all released inmates are rearrested for a serious crime in the first six months. On the other hand, recidivism declines dramatically after three years, and after five years of arrest-free behavior, recidivism is extremely low. These data suggest that the first three to six months after release are critical to success, and the limited resources available should concentrate on that time period. At the same time, parole terms of longer than five years for all but the most serious offenders should be eliminated for parolees who have remained arrest free during that time.

It makes no sense to spend \$23,000 a year on an inmate — even three times that amount if he or she were in maximum security — and then on the day of the inmate's release, spend from zero dollars (for unconditional releases) to about \$2,500 a year for the average parolee. What if corrections spent that same amount of money per month during the first three months after release as is done for the three months prior to release? This would cost about \$7,000 for every inmate returning home. This money would support transitional housing, employment if no other job could be found, drug treatment, medical attention, family counseling — in short, whatever was required to increase the odds of successful transition.

Implement a "goal parole" or earned discharge system. Factors such as work, education and treatment incentives would be built into the system, and parolees could earn time off their parole term by succeeding in pro-social activities. There is little public

risk in such a system since research shows that informal social controls — those interpersonal bonds that link ex-inmates to churches, jobs, law-abiding neighbors, families and communities — are strong predictors of reduced recidivism.

Recognize the vital role crime victims have to play in managing the offender's return. Most states now have statutes authorizing the victim to be notified of parole hearings and of parole eligibility dates. Unfortunately, this is a hollow victory; victims have increasingly gained the right to appear and testify at parole hearings, but fewer states are holding such hearings. Crime victims often have the most detailed knowledge of the offender and the risks he or she poses to public safety. They are ideally suited to assist correctional authorities in assigning parole conditions. Even if most parole boards no longer retain the discretion to set the date of release, all of them set the conditions of release. Of course, authorities must balance the victim's need for vengeance and safety with the true risks posed by the returning inmate.

It is not just that the victim could provide information to parole officials, but parole officials could help reduce victims' fears if they were more communicative. They might tell the victim that the parolee has completed a substance abuse program, is employed full time or will be monitored on an intensive supervision caseload, all of which might serve to increase the victim's sense of safety.


Establish procedures by which some ex-offenders can put their criminal offending entirely in the past. The United States has the highest incarceration rate of industrial democracies, but unlike all other democracies, it has virtually no practical means of sealing or expunging adult criminal records. A criminal conviction, no matter how trivial or how

long ago it occurred, scars a person for life. In terms of this issue, the United States has the worst of both worlds: higher rates of application of the criminal process combined with no way to move legally beyond its stigmatizing effects. Establishing some procedure by which some ex-offenders can move beyond their criminal records is critically important.

Nearly all other countries have recognized the value in doing this. For example, England's Rehabilitation of Offenders Act allows some adult criminal convictions to become "spent" or ignored after a significant period of time (usually seven to 10 years) has elapsed from the date of conviction, if no felony convictions occur during this time. For those ex-offenders who meet the criteria, when asked, "Have you ever been convicted of a crime?" the law allows them to say no. England's act is actually more stringent than those of most other countries, where all criminal offenses become spent after specified time periods.

These and other reforms discussed in this author's book, *When Prisoners Come Home: Parole and Prisoner Reentry*, will help to create a more finely tailored system — where those who are dangerous will remain in prison through discretionary decision making, and those who are not will have an opportunity to participate in proven treatment and work programs both in prison and on parole. Procedures will be adopted so that society will not continue to impede, for a lifetime, the efforts of those ex-offenders who wish to go straight, but often are prevented from doing so because barriers are put up that even nonoffenders would not be able to overcome.

The nation faces enormous challenges in managing the re-integration of increasing numbers of individuals who are leaving state and federal prisons. It is time to do the hard work of developing more effective responses



to these challenges. This should be done not only because it will be good for offenders returning home, but because it will ultimately be good for their children, their neighbors and the community at large.

ENDNOTES

¹ Lynch, J.P. and W.J. Sabol. 2001. *Prisoner reentry in perspective*. Washington, D.C.: Urban Institute.

² Petersilia, J. 2003. *When prisoners come home: Parole and prisoner reentry*. New

York: Oxford University Press.

³ Travis, J. 2002. Invisible punishment: An instrument of social exclusion. In *Invisible punishment: The collateral consequences of mass imprisonment*, eds. M. Mauer and M. Chesney-Lind, 15-36. Washington, D.C.: Urban Institute.

⁴ Wirthlin Worldwide. 2000. Member survey: Taking the next step. *Welfare to Work Partnership, vol. 1*. McLean, Va. Available at www.welfaretowork.org.

⁵ See Petersilia (2003) for tables indicating each state's policies.

⁶ Johnson, E. 2002. U.S. survey of access to criminal records: Update. Unpublished tables. Sacramento, Calif.: SEARCH Group.

⁷ Aos, S., P. Phipps, R. Barnoski and R. Lieb. 2001. *The comparative costs and benefits of programs to reduce crime*. Seattle: Washington State Institute for Public Policy.

Joan Petersilia, Ph.D., is a professor of criminology at the University of California, Irvine.