

Prisoner Releases in the District of Columbia Testimony before the U.S. House of Representatives Committee on Government Reform Subcommittee on the District of Columbia

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Chairwoman Morella, Congresswoman Norton, honorable members of the Subcommittee on the District of Columbia:

I am honored that you have invited me to testify before your subcommittee on the important topic of "Prisoner Releases in the District of Columbia." I commend the subcommittee for undertaking this review of a difficult and timely issue—one that is understandably of great concern to the residents of the District of Columbia, its elected officials, and the federal and local government agencies that constitute the District's criminal justice system.

I. Introduction

Allow me first to introduce myself and my organizational affiliation. I am a Senior Fellow with the Urban Institute, a nonpartisan, non-profit research organization located here in Washington. I am affiliated with the newly established Justice Policy Center, one of the nine research centers that comprise the Urban Institute. Prior to joining the Institute in April 2000, I served as Director of the National Institute of Justice, the research arm of the Department of Justice. I now lead a team at the Urban Institute that is developing a national policy and research agenda on the issue of prisoner reentry.¹

In an appendix to my testimony, I describe some of my work on criminal justice issues in the District of Columbia, in both my current and prior position. Although my work has included involvement in some strategic planning efforts on prisoner reentry in the District of Columbia, I will respectfully defer to other witnesses who are much better able to describe the ways in which prisoners are prepared for, and experience, the inevitable process of returning home to the District. My hope this morning is that I can add to their testimony by reflecting on our national examination of the reentry issue, putting the D.C. experience in context, and offering a framework for the Subcommittee's analysis of the District's approach to the difficult challenge of reintegrating returning prisoners.

I wish to make three points.

First, the phenomenon of prisoner reentry in the District of Columbia is unique in the nation, both because of the distinctive and changing nature of the institutional arrangements for managing reentry and because of the high level of imprisonment in the District. I will argue that the changing nature of the District's criminal justice system presents both risks and opportunities for effective reentry management.

Second, the current approach to prisoner reentry being developed by the responsible agencies in the District reflects the key principles of effective reintegration. A solid foundation is being constructed.

Third, to be effective, the agencies involved should adopt a common mission statement that reflects the principles of effective reentry and develop performance measures based on these principles.

I address each of these in turn.

II. The Unique Nature of Prisoner Reentry in the District of Columbia

As this subcommittee is well aware, the criminal justice system of the District of Columbia is unique—for at least two reasons. First, given the special status of the District, the response to crime, the processing of criminal cases, and the management of the supervision and reintegration of offenders are responsibilities shared between the District and federal governments. No other jurisdiction in the country has a similar criminal justice system.

Second, by virtue of the enactment of the National Capital Revitalization and Self-government Improvement

Act of 1997 (the "Revitalization Act"), the institutional arrangements that undergird the functioning of the District's criminal justice system have been fundamentally realigned. Responsibility for the housing of felony offenders has been transferred from the District to the Federal Bureau of Prisons. The Lorton Correctional Complex will soon be closed. A trustee has been appointed to oversee important aspects of the correctional system. A new entity (the Court Services and Offender Supervision Agency, or CSOSA) has been created to oversee all community supervision. Parole decision-making has been transferred from the District of Columbia Board of Parole to the United States Parole Commission. A Sentencing Commission was established to enact new sentencing policies, moving from indeterminate to determinate sentences, which will affect the size and composition of the population under post-release supervision.

These aspects of the unique nature of the District's criminal justice system are having profound effects on the subject of today's hearing, the reentry of prisoners. Parole decisions are being made by a federal, not a District entity. Preparation for release is now the responsibility of a federal, not a local agency. Prisoners are now being held in federal prisons as far away as New Mexico and Arizona, far removed from families and other support systems. Supervision is now the responsibility of a new agency with a broader mission. In this complex and shifting environment, the responsible agencies face enormous challenges in coordinating the development and implementation of effective prisoner reentry policies.

There is another challenge that we must acknowledge. The level of imprisonment—and therefore the scale of the reentry phenomenon—is very high in the District. In 1999, 1,314 of every 100,000 District residents were incarcerated, compared to the national average of 476. The number of inmates from the District has increased by fifteen percent over the past two years to about 10,600 inmates, a prison population the size of those in Massachusetts or Nevada. There are currently 6,800 people under active supervised release, the same as the parole population of Virginia or Arkansas. About 2,500 prisoners return to the District each year, a prisoner flow the equivalent of that found in New Mexico or Oregon.

The impact of this disproportionate number of prison releases is being felt acutely by a small number of neighborhoods in the District, neighborhoods that are already facing other enormous social problems. The reach of criminal justice supervision has consequences for the pursuit of racial justice as well—97% of the District's prison population is African American, in a District nearly 40% white. On any given day, nearly half of young African American men in the District are in prison or jail, or on probation, parole or pretrial release.²

These dimensions of the related issues of sentencing, incarceration and reentry make it more difficult to achieve success in the District—for reasons of scale, if no other—but also make it more important that success be achieved.

III. Assessing the District of Columbia Approach to Reentry

In my view, the District of Columbia is to be commended for its approach to the challenge of reintegrating this large number of returning prisoners. I am impressed by the level of cooperation I have seen here between the responsible agencies. In my experience, every jurisdiction faces enormous challenges in bringing together corrections, parole, police, community agencies and others to improve reentry outcomes. Truth be told, few jurisdictions are even attempting to do that. In my work at the Department of Justice developing the Reentry Partnership Initiative on behalf of Janet Reno, I was struck time and again by the observation that the state corrections and parole agencies around the country rarely spoke with local law enforcement, which in turn rarely considered prisoner reentry to be part of their responsibility. Rarer still was an active conversation between those agencies of government and the community affected by reentry. Even rarer still was the engagement of prisoners and families—the direct participants in this process—in the development of effective practices and policies. Here in the District, there are genuine efforts to make the system work better. I recognize the failures—some of them all too glaring—yet on balance there are reasons to be optimistic.

Why has there been more coordination here? Perhaps because the criminal justice agencies can focus on one city, rather than a sprawling state corrections system. Perhaps because the new officials, new agencies and new powers ushered in by the Revitalization Act created new opportunities. Certainly the involvement of the Mayor's Office, the City Council, Representative Norton, and other leaders encouraging and insisting upon coordination has helped. But my overall impression is that the District is positioned to create a system for managing prisoner reentry that will be among the best in the country.

What are the promising ingredients?

First, the District is trying to develop a comprehensive, risk-based, evidence-based strategy that recognizes the inevitability of reentry. We too often forget that, with rare exceptions, everyone sent to prison comes home.³ So we must face two related policy questions: How do we prepare them for their inevitable return, and how do we manage their process of reentry? Regarding preparation for return, the Federal Bureau of Prisons has a very highly regarded approach to release planning, with higher levels of program participation than seen in many state systems, so the transfer of custody to the FBOP will provide enhanced preparation for the reentry of District prisoners. I should note immediately that this transfer of responsibility to the federal prisons also poses significant problems for reentry. The mere fact that the District's prisoners are dispersed through a far-flung network of federal prisons, removed from contact with families and community support, is clearly counterproductive to sound reentry principles.

Regarding the process of reentry, the District has taken a number of promising steps. Allow me to highlight three:

A. Halfway Houses

The revitalization of the role of halfway houses is consistent with the reality that all prisoners return home. Halfway houses embrace the common sense idea that the process of reintegration is enhanced by bringing prisoners closer to the assets and networks of the community before they are released. I recognize that the siting of these facilities raises many issues. The reactions of communities that resist these facilities must be dealt with honestly and openly. Yet I compare the situation here with that in many other states where prisoners are released at bus stations in the middle of the night, with little transitional planning, to communities that are not aware of their return, and I ask whether those communities are better off under those release practices. I think not. So, if we begin with the recognition that all prisoners come home, we should then ask how we can best manage their inevitable return. In my view, halfway houses represent the right approach for a large number of returning prisoners (although perhaps not all prisoners) and the District is to be commended for developing this capacity.

Moreover, effective reentry principles suggest that transitional facilities need to be located close to the very families, employers, health care providers, social service agencies and faith institutions that are important ingredients in reconnecting returning prisoners with the necessary support systems. This argues for finding a way to resolve the tensions around siting new facilities. There are examples of successful sitings of halfway houses and transitional facilities around the country. Recently I met with the Director of The Safer Foundation in Chicago to learn more about the positive impact of their transition facilities on the surrounding neighborhoods. It is important for the District to develop a successful track record on this front, and we should learn from the successes that others have achieved.

B. Transitional Interventions

The transition phase that accompanies the halfway house stay also reflects sound reentry principles. CSOSA's Transitional Intervention for Parole Supervision (TIPS) team conducts risk and needs assessments to guide the supervision and service plans for individual offenders. Even the best in-prison programming is no substitute for programs directed to the actual process of release. To the extent that employment, health, and housing providers can be brought into this process—as is currently being discussed—the District will further address the serious barriers to prisoner reentry.

C. Comprehensive Supervision

Finally, the new Court Services and Offender Supervision Agency (CSOSA) is a highly valuable innovation that will improve reentry management in the District. The fact that CSOSA has responsibility for supervision of *all* offenders in the community is perhaps unique in the country, and gives CSOSA a broad mission unconstrained by the definitional distinctions between parole, probation and pretrial status. The close working relationship between CSOSA and the Metropolitan Police Department is impressive, and allows for a focus on community safety that lies at the heart of effective reentry management. The direct engagement between CSOSA and a number of community organizations in the development of community justice strategies will bring new legitimacy to the working of the criminal justice system. The involvement of drug treatment, and other treatment agencies, in the supervision system reflects sound research on the effectiveness of these interventions.

In short, I believe the District has the potential to develop a highly effective, nationally important, prisoner reentry scheme and is making significant progress in that direction.

IV. Implementing the Reentry Framework

The development of an effective prisoner reentry system requires more than improved coordination between agencies. It requires more than the promising development of prerelease programs, halfway houses, transitional planning, and comprehensive community supervision. In my view, an effective approach to reentry requires a fundamental realignment of the mission and performance measures of the agencies involved. In closing, I would urge this subcommittee to support the District's leadership, the federal and local agencies, and the individuals and communities engaged in prisoner reentry in developing this sense of common mission, and in articulating these new performance measures.

The fundamental question we should ask is, "What is the goal of the reentry process?" I have already defined reentry as an inevitable fact of imprisonment—we put people in prison, and they all come back. So, we should ask what distinguishes a good reentry system from one that is not so good.

I think there are two overarching goals—enhancing safety and enhancing reintegration.⁴ These are distinct goals, although they often overlap. Allow me to discuss each briefly.

Community Safety. At the core of the safety goal is the traditional, narrower goal of reducing the recidivism of returning prisoners. At the national level, nearly two-thirds of prisoners released from state prisons are rearrested within three years, and forty percent return to prison. In the District, the recidivism rates are reportedly declining, and this is good news. So, an effective reentry system should be held accountable for the rate of recidivism⁵

The goal of enhancing safety is broader than the goal of reducing recidivism: It would require a localized assessment of the impact of prisoner reentry on a community. For example, the release from prison of an offender who quickly, and publicly, becomes criminally active again is a greater threat to community safety because of the multiplier effect of his behavior. The community is more fearful, and his criminal activity may embolden others. Conversely, the active involvement of a returning prisoner in efforts to reduce levels of crime in his community would enhance community safety. Compared to another former prisoner who does not reoffend, his desistance from crime is more valuable to community safety because he is working to promote

crime reduction. Let's look at this from the community's perspective as well. The effective management of prisoner reentry could enhance a community's sense of safety if they knew every effort was being made to reduce reoffending. By contrast, the pronouncement by government agencies that large numbers of dangerous people are returning to the neighborhood, without effective community engagement and without a good management plan, could heighten a community's concern about safety.

A concern for community safety requires adoption of a clearly articulated, common mission by all agencies involved, which in turn leads to new agency activities and a new set of performance measures.

Reintegration. The goal of reintegration is distinct from the community safety goal. By "reintegration", we mean the positive reconnection of a prisoner to the institutions of civil society, e.g., the world of work, productive engagement with family and community, attachment to faith institutions, positive interaction with peers, appropriate engagement with social service and public health systems, stable housing, etc. The reintegration mission is independent of the safety goal—a person who is getting treatment for tuberculosis, reconnecting with his children, and working regularly may or may not present a lower risk of recidivism. Yet those reconnections are as valuable as the reduced recidivism—those social connections are the essence of strong families, effective communities, and productive citizenship.

Embracing the reintegration mission changes the operations of the agencies involved in reentry. They must focus on the reintegration needs of *all* returning prisoners, not just those who are being released on parole, or those at high risk of recidivism. Reconnecting prisoners to the world of work, to responsible parent-child relationships, to housing, social services and health care, becomes the responsibility of the prisons and community supervision agencies. Ultimately, if this goal is embraced seriously, sentencing judges should be cognizant of the reintegration issues for each person they sentence and should adjust sentence conditions accordingly.

In sum, the reentry perspective requires, in my view, a reconsideration of the mission, operations and performance measures of the agencies involved in sentencing and corrections.

V. Conclusion

In conclusion, I would recommend that the agencies represented at this hearing move beyond effective coordination, embrace new goals for the reentry process, and develop a set of performance measures that would tell them, the public and the Congress whether they are meeting those goals. This subcommittee, and its counterpart appropriations subcommittee, could provide the support and encouragement to make that a reality. Financial support will be required to link the data systems of the agencies, to develop new measures such as the self report measures I mentioned, to engage the community in a series of discussions about reentry and public safety, to bring other agencies such as the health, human service, employment and housing agencies to the table in meaningful partnerships. But that is all possible, perhaps uniquely in the District of Columbia.

I thank you for the opportunity to appear before you and would gladly answer any questions.

Notes

1. J. Travis, A. Solomon, and M. Waul, "From Prison to Home: The Dimensions and Consequences of Prisoner Reentry." Urban Institute Policy Monograph, 2001. (Available at www.urban.org/pdfs/from_prison_to_home.pdf.)
2. E. Lotke, "Hobbling a Generation: Five Years Later." Washington, D.C.: The National Center for Institutions and Alternatives, 1997.
3. J. Travis, "But They All Come Back: Rethinking Prisoner Reentry." *Sentencing & Corrections, Issues for the 21st Century*, 7: Washington, D.C.: National Institute of Justice, NCJ 181413, 2000.
4. J. Travis and J. Petersilia, "Reentry Reconsidered: A New Look at an Old Question." *Crime and Delinquency*. Volume 47, Number 3, July 2001.
5. This should be measured carefully. The recidivism rate should not simply reflect police records of rearrests—the incidence of rearrests may reflect more police attention to the individuals under supervision, not an actual increase in criminal behavior. It would be preferable to develop an ongoing system of confidential self-reports that does not rely on police records. Just as victimization surveys are better measures of crime rates, these self-reports would be better measures of recidivism rates. This should also not be confused with a measurement of technical violations of parole conditions, a performance measure that is important for other reasons.

Appendix:

Career Brief

Jeremy Travis is a senior fellow at the Urban Institute (UI), developing research and policy agendas on crime in the community context, new concepts of the agencies of justice, sentencing and prisoner reentry, and international crime. Mr. Travis is co-chair of the Reentry Roundtable, a group of prominent academics, practitioners, service providers, and community leaders working to advance policies and innovations on prisoner reentry that reflect solid research. Before he joined the Urban Institute, Mr. Travis was the director of the National Institute of Justice, the research arm of the U.S. Department of Justice. Mr. Travis has been

an active figure in the development of a policy and research agenda on the issue of prisoner reentry. He is the author of the article "But They All Come Back: Rethinking Prisoner Reentry," and he developed the federal initiative on reentry courts and the reentry partnerships.

Prior to his service at NIJ, he was the Deputy Commissioner for Legal Matters of the New York City Police Department and chaired the New York City Chancellor's Advisory Panel on School Safety. In a previous position, Mr. Travis served as Chief Counsel to the Subcommittee on Criminal Justice of the House of Representatives Committee on the Judiciary, under its Chairman, U.S. Representative Charles E. Schumer. He served as Special Advisor to New York City Mayor Edward I. Koch, Assistant Director for Enforcement Services for the Mayor's Office of Operations, and Special Counsel to the Police Commissioner. Prior to joining city government, Mr. Travis was the Marden and Marshall Fellow at the Center for Research on Crime and Justice at New York University's School of Law, and served as Law Clerk to Judge Ruth Bader Ginsburg when she sat on the United States Court of Appeals. He spent six years at the Vera Institute of Justice where he managed demonstration programs on bail reform, judicial decision making, and victim-witness assistance. He began his career in criminal justice working as a legal service assistant with the Legal Aid Society, New York City's indigent defense agency.

Mr. Travis has taught courses on criminal justice, public policy, history, and law at Yale College, New York University Wagner Graduate School of Public Service, and New York Law School. He has written and published extensively on constitutional law, criminal law, and criminal justice policy. He is a member of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute. He earned his J.D., cum laude, from the New York University School of Law, and also holds an M.P.A. from the New York University Wagner Graduate School of Public Service and a B.A. in American Studies, cum laude, with honors, from Yale College.

Specific involvement with D.C. and Reentry Topics

Jeremy Travis has been involved in a number of efforts specifically relating to crime and justice issues in the District. As Director of the National Institute of Justice, he created the D.C. Initiative, a program undertaken pursuant to the Revitalization Act to provide research, analysis and other strategic assistance to the District in connection with revitalization activities. At the Urban Institute, he co-chairs (with Margery Turner) the D.C. Research Committee, a cross-center task force that coordinates the Institute's research and development activities related to the District of Columbia. This Committee sponsors the quarterly policy briefing series, the D.C. Policy Forum, that presents new research findings to an invited audience of practitioners, policy makers and community leaders. In interests of full disclosure, the members of the Subcommittee should be aware that the Urban Institute receives funds from the District (and other governmental and private entities) to conduct its work. The Justice Policy Center's portfolio has included the recent report on violence in the District, the analysis of sentencing practices funded by the National Institute of Justice, an evaluation of the changes in the Metropolitan Police Department, among others.

Mr. Travis has been deeply involved in the issue of prisoner reentry for the past few years. While at the Department of Justice, he worked with Attorney General Janet Reno to develop a number of reentry related projects, including the "reentry partnership" and "reentry court" initiatives that are now being promoted through a \$100 million appropriation in the FY2001 budgets of the Departments of Justice, Labor and Health and Human Services. At the Urban Institute, he leads a team of researchers developing a national initiative on reentry. Last month, the Urban Institute published a monograph entitled "From Prison to Home", co-authored by Jeremy Travis, Amy L. Solomon and Michelle Waul, that reflects the state of knowledge about the phenomenon of prisoner reentry. The Justice Policy Center expects to be mount a multistate research project in early 2002 that will provide an empirical understanding of prisoner reentry, from the perspectives of state policy, the returning prisoner, the prisoner's family and the community to which he or she returns.

About a year ago, Mayor Anthony Williams, Attorney General Janet Reno, Jamie Gorelick of the Fannie Mae Corporation, the leadership of the D.C. Board of Trade, and others, met to talk about criminal justice issues in the District and agreed to take a closer look at the issue of prisoner reentry, with a particular focus on housing issues. Mr. Travis was subsequently asked to chair a series of strategic planning sessions involving representatives of those agencies, to identify opportunities for collaboration. In the interests of full disclosure, the Subcommittee should note that the Justice Policy Center has developed a funding proposal, now under review by the District of Columbia and others, to support a systematic analysis of the entire reentry process in the District, beginning with sentencing and ending up with community-level reintegration of offenders.

Other Publications by the Authors

- [Jeremy Travis](#)

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