

Second Chance Programs Quietly Gain Acceptance

Prisoner re-entry programs strive to give inmates better odds of succeeding after their sentences are up

BY ALAN GREENBLATT

SAN QUENTIN, CALIF.

THE STUDENTS WALK THROUGH a gate that opens up in the middle of a 12-foot-high fence topped with barbed wire. Classes are held in two-room modular buildings and in an old laundry facility. Some math instruction takes place in an old storage cage.

“This is a hell of a backdrop to run a little liberal arts college,” says Jody Lewen.

Lewen is the executive director of the Prison University Project, a nonprofit organization that provides college-level instruction to 200 prisoners at San Quentin State Prison, the home of California’s death row. Despite the fearsome image of the 19th century institution and its extreme overcrowding — it houses about 5,400 inmates, approximately 2,200 more than it was built for — prisoners from throughout the state are trying their best to get transferred there.

The attraction is programs such as Lewen’s. The prison’s location in affluent Marin County helps draw about three dozen outside groups that offer instruction in everything from sheet metal work to anger management. The prison itself also provides an unusual amount of prisoner programming, including the nation’s only certification of inmates as drug counselors.

“This is one of the only prisons that does these programs to help you out,” says Stan Baer, an inmate and student in Lewen’s program. “Most places, you’re lucky to have one self-help program, not a dozen.”

That’s starting to change. The central goal of a law known as the Second Chance Act, which President Bush signed into law in April, is to promote so-called re-entry programs, which offer education, drug treatment and counseling to prisoners so that they have a better chance of succeeding once they’re back



REHABILITATION ROW: Bush and Labor Secretary Elaine L. Chao meet with a class at the Jericho Program, an education program for non-violent male offenders.

on the outside. Appropriators on both sides of the Capitol have already embraced the project; this summer, the House panel endorsed spending \$45 million on Second Chance programs in fiscal 2009 — mainly grants to state and local governments and nonprofits — and the Senate panel set aside \$20 million.

It’s unclear how those amounts will fare now that Congress has turned its attention away from the individual appropriations bills and essentially decided to keep most programs operating at current levels until after the next president takes office. But the support so far is still strong, considering it’s such a new program. And it builds on efforts in states such as Arizona, Kansas, Connecticut and California, which made re-entry programs a centerpiece

of a \$7.9 billion prison law enacted last year. In May, California tied \$750 million in jail construction money to a requirement that counties offer sites for re-entry programs. Cities such as Indianapolis and Philadelphia have also launched local programs designed to help prisoners find housing and jobs.

REDUCING RECIDIVISM

This new emphasis on preparing prisoners to re-enter society represents a significant shift. Beginning in the mid-1970s, policy makers at all levels of government turned away from the idea of rehabilitating prisoners in favor of a “punishment only” approach. In 1994, for instance, Congress barred prisoners from receiving Pell grants

to pay for college courses.

In the meantime, lawmakers at all levels of government have passed hundreds of new sentencing laws, resulting in an exploding prison population. Roughly one out of every 100 American adults is now in prison. A handful of states now spend more on corrections than on higher education. Total state spending approaches \$40 billion annually.

Although high levels of incarceration may have helped bring down the crime rate, the fact remains that nearly all prisoners are eventually released. “No one focused as a matter of policy on the reality that 98 percent of the folks are going to come back out,” said Scott Harshbarger, a former Massachusetts attorney general.

States can’t afford to continue paying for the expensive incarceration of repeat offenders. The recidivism rate — the number of convicts returning to prison within three years of release — approaches 70 percent in some states. That’s why they’re embracing the idea of programs that can help more offenders succeed on the outside.

It’s an idea that has appeal across the policy spectrum. “We’re not talking about reducing anyone’s sentence or anybody getting out early at all,” says Republican Sen. Sam Brownback of Kansas. “But you’re going to have 600,000 prisoners come out this year and every year for the foreseeable future, and if you do nothing, you’re going to have 400,000 coming back in.”

SOFTENING THE APPROACH

In his jacket pocket, Brownback carries a poem given to him by a death-row inmate in Louisiana. The fact that this man, facing death, could write a poem about God’s blessings, Brownback says, provides comfort to him during trying moments in his own life.

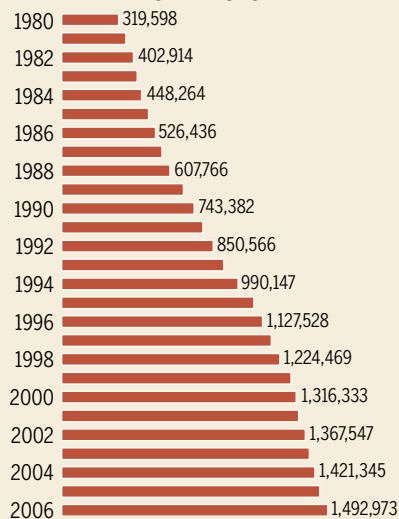
Organizations in the faith community, including Christians and Muslims, run a number of re-entry programs. Their success and message of redemption has helped attract conservatives to the cause — and many conservatives also have become convinced that successful re-entry programs can cut down on skyrocketing corrections costs by limiting the number of repeat offenders and parole violators. “America is the land of second chance, and when the gates of the prison open, the path ahead should lead to a better life,” President Bush said in his 2004 State of the Union address.

Conversely, liberals like re-entry programs, while recognizing that they’re less politically sensitive than issues such as sentencing or

The Detention Crunch

Since 1980, get-tough sentencing measures have spurred the prison population to grow more than fourfold — prompting even hard-liners on the issue to endorse rehabilitation schemes.

Growth in the prison population



NOTE: The prison population is generally composed of inmates in state or federal correctional facilities serving a sentence longer than one year.

SOURCE: Bureau of Justice Statistics

restoring voting rights for felons. “We’re not talking about whether or not you’re tough on crime,” said Rep. Danny K. Davis, the Illinois Democrat who was the principal sponsor of the Second Chance Act. “We’re talking about, how do you help people to successfully reintegrate once they’ve been convicted of a crime, so that once they go back they don’t do the same thing all over again?”

The law drew its name from the president’s statement and was four years in the making. It represents a classic compromise, with sponsors finding areas of agreement and working to keep contentious issues off the table, while holding their respective caucuses in line.

But even though liberals and conservatives have managed to find common ground, re-entry programs remain politically fragile. It’s still easier for politicians to brag about ways in which they’re cracking down on crime than to talk about spending money on programs that benefit prisoners. That’s clearly why Joseph R. Biden Jr., the Democratic nominee for vice president, will be talking a lot this fall about how, as chairman of the Senate Judiciary Committee in 1994, he wrote the Violence Against Women Act as part of a sweeping law that also put more cops on the street — but is not likely

to make much mention of his sponsorship of the Second Chance law.

Even where re-entry programs have been embraced, they remain politically risky. Cutting recidivism rates by even a fraction could save a state a lot of money in incarceration costs. But that would still mean thousands of ex-convicts are bound to commit new crimes, including many who graduated from re-entry programs. Headline-making mistakes serve to undermine the public’s trust in the validity and security of such programs.

Consider Connecticut. Since 2004, the state has put more money into re-entry programs such as parole, housing and drug treatment. Apparently as a result, it has seen its prison population decline after a worrisome spike upward. Connecticut was able to avoid building more prison space, and less crowding meant the cancellation of its multimillion-dollar contract with Virginia to house 500 prisoners it previously had no room for.

But last year, two ex-convicts — both parolees and one a graduate of halfway houses — allegedly committed a particularly gruesome triple murder in the bucolic town of Cheshire. The legislature’s Democratic majorities softened Republican Gov. M. Jodi Rell’s call for a “three strikes” sentencing law, but they did create some new penalties and voted to improve communication infrastructure linking the various agencies charged with law enforcement and corrections.

“If anything goes wrong, if there’s a high-profile problem, it could undermine all the work that went into it,” said Michael P. Lawlor, House chair of Connecticut’s Joint Committee on Judiciary. “If this tragedy would have happened 20 years earlier, probably the only response would have been to toughen the penalties for everything and leave it at that.”

MOVING ON

Even if re-entry programs weren’t vulnerable to costly mistakes — as well as criticism that money is misspent “coddling” criminals — the new programs would face a tough road. States that have embraced the idea still aren’t providing nearly the level of services needed to meet the demand. In California, for instance, about 26,000 inmates are on waiting lists for education programs. Drug treatment is chronically oversubscribed, and there never seems to be enough space to hold classes.

Even with all the money and will in the world, it would still be a challenge to coordinate the various services that an individual prisoner or ex-con might need, including drug treatment, housing, education and job place-

ment. That challenge is multiplied by the thousands of felons in each state — and by societal reluctance to welcome offenders back into functioning communities.

“If you do not convince society to hire these individuals and give them an opportunity to work and a place to live,” Davis said, “they’re going to end up right back on the street doing crack and blow, chasing pills and thrills.”

That’s happened to William Branson, repeatedly. Next year, he expects to be paroled from San Quentin for the fifth time. “When I parole, I’m homeless, I’m an alcoholic, there’s no housing for me,” he said. “My life before was drinking hard and getting into trouble.”

But Branson claims he’s got his drinking under control. And he believes that Lewen’s Prison University Project has given him a chance to succeed. He’ll leave San Quentin a few credits short of receiving an associate’s degree, but he intends to finish at a regular college on the outside. Lewen’s classes have helped him in many ways, he says, improving his vocabulary and hygiene and convincing him of the importance of thinking through the consequences of his actions.

“They treat us like human beings, like we’re people,” Branson said. “That makes a huge



RE-ENTRY PLANS: Inmates from the Indiana Department of Corrections attend a computer class at Ivy Tech Community College.

impact, being treated as a human being rather than a number.”

Federal, state and local officials looking to cut down on the prison population and the recidivism rate increasingly trust research sug-

gesting that at least some of the hard cases like Branson can be trained to succeed. And they’re working on ways to convince the public that, even when re-entry program graduates go on to rape and murder, it beats the alternative of offering prisoners no help when it comes to reintegrating into society.

“Think of all the tens of thousands of people who get out every year, who are either going to go into some type of prisoner re-entry program, or they’re just going to get dumped on the street,” said Rob Portman, who pushed the Second Chance legislation as a House Republican from Ohio before becoming the White House budget director. “It has to be individualized, customized — it has to be very hands-on. It takes time, and there’s no cookie-cutter approach that can work.” ■

Alan Greenblatt, a former CQ reporter, is a staff writer for its sister publication, *Governing* magazine.

FOR FURTHER READING: *The Second Chance Act is PL 110-199; fiscal 2009 Justice Department appropriations, CQ Weekly, p. 1776; Biden and anti-crime law (PL 103-322), 1994 Almanac, p. 273.*