



BACKGROUND

To reduce future crime and unnecessary incarceration, we must focus on reducing recidivism. Recidivism rates across the United States are too high: on average, 68 percent of people released from prison are arrested within three years.¹ This is partially due to the many barriers people face upon reentry from prison. Recent estimates identify at least 44,000 laws across the country that create collateral consequences for those with criminal convictions.²

Formerly incarcerated people may lose access to housing, healthcare, educational opportunities, gainful employment, public benefits such as food stamps, and more.³ Such policies can make it virtually impossible to build a stable life after incarceration, which increases the likelihood of future criminal justice system contact. To stop this revolving door, people need reliable supports: housing, educational services, treatment, health care, and more. When states foster successful reentry, they can reduce recidivism, prevent future crime, and save government resources.

RECOMMENDATIONS

RECOMMENDATION 1: IMPROVE EDUCATION AND VOCATIONAL TRAINING IN JAILS AND PRISONS

Just as Congress has recently restored Pell grant access to eligible incarcerated people, states should invest in education and vocational programs in jails and prisons.⁴ Such programs are cost-effective ways to encourage rehabilitation and the development of skills for incarcerated individuals to utilize upon return to their communities.⁵ Correctional education can greatly reduce the likelihood of recidivism, with individuals receiving an education behind bars 43 percent less likely to recidivate than those who do not.⁶ In 2014, New York began funding college courses in prisons and found that, of those who received degrees, only four percent had contact with the criminal justice system after release.⁷

RECOMMENDATION 2: PROVIDE TRANSITIONAL SERVICES TO EASE REENTRY

To reduce the likelihood of recidivism, correctional agencies should develop robust release plans that incorporate transitional services for the incarcerated. All releases from carceral settings must be safe and manageable, accounting for immediate needs such as

transportation, food, clothing, shelter, and finances.⁸ Releasing individuals from jail with \$10 and a bus ticket or at 2 a.m. empty-handed puts incarcerated people at higher risk of recidivism and in some cases, physical danger.⁹ To provide financial security, Oregon allocates “Offender Debit Cards” for people to use upon release while Idaho offers transitional funding to cover 30 days of housing and living expenses.¹⁰

RECOMMENDATION 3: EXPAND ACCESS TO HOUSING, MEDICAID, AND PUBLIC BENEFITS

First, access to medical care is critical for successful reentry. A study conducted in Florida and Washington reported a 16 percent recidivism reduction among people with serious mental health issues who had Medicaid access upon release from jail.¹¹ To ensure that incarceration does not jeopardize access to health care, states should suspend, as opposed to eliminate, Medicaid for those incarcerated in jail or prison, making access to medical coverage upon release easier.

As with healthcare, a lack of safe, reliable housing can jeopardize an individual’s reentry. Some states have

¹ Mariel Alper, Matthew R. Durose, and Joshua Markman, *2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005–2014)*, Bureau of Justice Statistics, 2018.

² “What are collateral consequences?,” National Inventory of Collateral Consequences of Conviction, accessed April 6, 2021.

³ *Poverty and Opportunity Profile: Eliminating Barriers to Reentry*, Sentencing Project, 2014.

⁴ Michael Stratford, “Congress clinches deal to restore Pell grants for prisoners 26 years after ban,” *Politico*, December 20, 2020.

⁵ Lois M. Davis et al., *Evaluating the Effectiveness of Correctional Education*, RAND Corporation, 2013; Ryang Hui Kim and David Clark, “The Effect of Prison-Based College Education Programs on Recidivism: Propensity Score Matching Approach,” *Journal of Criminal Justice* 41 (2013): 196.

⁶ Davis et al., *supra* note 5, at xvi.

⁷ Robert Scheer, “The Greatest Threat to the Prison Industrial Complex,” *KCRW*, January 4, 2020; Rodney-Spivey Jones, “College Programs in Prison Show the Value of Educating Every American,” *The Appeal*, April 29, 2020.

⁸ Nancy La Vigne et al., *Release Planning for Successful Reentry*, Urban Institute, 2008, 4–7.

⁹ Brandi Grissom, “Out of Jail and Onto the Street, Alone, in the Wee Hours,” *New York Times*, August 27, 2011.

¹⁰ La Vigne et al., *supra* note 8, at Appendix ii and Appendix C.

¹¹ Judith Solomon, *The Truth About Health Reform’s Medicaid Expansion and People Leaving Jail*, Center on Budget and Policy Priorities, 2014.

begun to address the lack of housing available to those with criminal convictions.¹² For example, Ohio's Returning Home program connects formerly incarcerated people with mental health issues, disabilities, or records of housing instability with supportive transitional housing upon release. Those who received supportive housing were 40 percent less likely to be rearrested and 61 percent less likely to be reincarcerated than those who did not locate supportive housing upon release.¹³

Lastly, public benefits are essential for many formerly incarcerated people who are reentering society. States should remove bans on TANF, SNAP food benefits, and education loans for individuals with convictions.¹⁴ Such benefits are a lifeline for recently incarcerated people, especially because employment opportunities can be scarce for those who are reentering society. Access to benefits can also prevent future crime: eligibility for welfare and food stamps at the time of release can reduce the risk of recidivism by up to 10 percent.¹⁵

RECOMMENDATION 4: REDUCE BARRIERS TO EMPLOYMENT

Up to 50 percent of individuals released from jail or prison may remain unemployed for up to a year.¹⁶ When able to secure employment, formerly incarcerated people often work unstable jobs that earn low wages and have high turnover rates, leaving them under the poverty line.¹⁷ Employers are often hesitant or unwilling to hire individuals with criminal records.¹⁸ Racial bias exacerbates this disadvantage, making the risk of unemployment especially acute for formerly incarcerated Black and Latino individuals.¹⁹ And when justice-involved people do find work, they see

reduced earnings, with these effects felt more severely by Black people and other minorities.²⁰

To limit barriers to employment, states should consider a series of policies including automatic criminal record sealing and expungement.²¹ Some states have passed restrictions on employers' ability to inquire about criminal records during application processes, and over 30 states have made it easier for individuals with criminal records to obtain occupational licenses.²²

RECOMMENDATION 5: REDUCE PAROLE REVOCATIONS DUE TO TECHNICAL VIOLATIONS

Probation and parole violations account for 45 percent of all admissions into state prison. Technical violations, such as missing a curfew or failing a drug test, account for 25 percent of these violations.²³ New York, which reincarcerates more individuals for technical parole violations than any other state (aside from Illinois), spends over \$600 million annually due to such practices.²⁴ States should not send individuals who pose no threat to public safety to prison solely for technical violations.²⁵ In cases of frequent or more serious parole violations, states should offer incarceration alternatives where feasible.

After changing parole practices and focusing on community reintegration, Michigan experienced a 41 percent decline in returns to prison.²⁶ The state also developed Technical Rule Violator and Reentry Centers to house people charged with violations in lieu of revoking parole and reincarcerating. These centers also offer programs and services, which enable nearly all participants to return to their communities.²⁷

Reducing recidivism is critical to preventing future crime. To promote healthier, safer communities, states must prioritize prison educational opportunities, eliminate unnecessary barriers to reentry, and close the revolving door of incarceration.

¹² Teresa Wiltz, "Where 'Returning Citizens' Find Housing After Prison," *PEW*, April 23, 2019.

¹³ Jocelyn Fontaine et al., *Supportive Housing for Returning Prisoners: Outcomes and Impacts of the Returning Home-Ohio Pilot Project*, Urban Institute, 2012, vii.

¹⁴ Rebecca Beitsch, "States Rethink Restrictions on Food Stamps, Welfare for Drug Felons," *PEW*, July 30, 2015.

¹⁵ Crystal S. Yang, "Does Public Assistance Reduce Recidivism?," *American Economic Review: Papers and Proceedings* 107 (2017).

¹⁶ Elizabeth Wolkomir, "How SNAP Can Better Serve the Formerly Incarcerated," *Center on Budget and Policy Priorities*, March 16, 2018.

¹⁷ Adam Looney and Nicholas Turner, "Work and opportunity before and after incarceration," *Brookings Institute*, March 14, 2018.

¹⁸ Harry J. Holzer, Steven Raphael, and Michael A. Stoll, *Employment Barriers Facing Ex-Offenders*, Urban Institute Reentry Roundtable Discussion Paper, 2003, 11.

¹⁹ Lucius Couloute and Daniel Kopf, *Out of Prison & Out of Work: Unemployment among formerly incarcerated people*, Prison Policy Initiative, 2018.

²⁰ Terry-Ann Craigie, Ames Grawert, and Cameron Kimble, *Conviction, Imprisonment, and Lost Earnings: How Involvement with the Criminal Justice System Deepens Inequality*, Brennan Center for Justice, 2020, 13.

²¹ "50-State Comparison: Expungement, Sealing & Other Record Relief," *Restoration of Rights Project*, accessed April 6, 2021.

²² Margaret Love and David Schlusell, *Pathways to Reintegration: Criminal Records Reform in 2019*, Collateral Consequences Resource Center, 2020, 4; "State Occupational Licensing Reforms for Workers with Criminal Records," *Institute for Justice*, accessed April 6, 2021.

²³ *Confined and Costly: How Supervision Violations Are Filling Prisons and Burdening Budgets*, Council of State Governments Justice Center, 2019.

²⁴ *Racial Inequities in New York Parole Supervision*, Columbia University Justice Lab, 2020.

²⁵ Darcel Clarke, Eric Gonzalez, and Cyrus Vance Jr., "On parole violations, less is more: Three DAs urge reform to stop sending people back to prison," *New York Daily News*, March 12, 2020.

²⁶ Dennis Schrantz, Stephen DeBor, and Marc Mauer, *Decarceration Strategies*, Sentencing Project, 2018.

²⁷ Schrantz, DeBor, and Mauer, *supra* note 26.