

TRANSITIONING STATE OFFENDERS THROUGH COUNTY JAILS

Kathleen Gnall
Director, Reentry, Planning and Research
Pennsylvania Department of Corrections

INTRODUCTION/PROBLEM STATEMENT

There is an old saying in politics: “all politics is local.” This is certainly true and is equally applicable to offender reintegration – all reentry is local. Offenders, whether they be incarcerated in state or federal prisons or county jails, come from communities and are returning to communities. For example, nearly 90 percent of the 51,000 offenders incarcerated within the Pennsylvania Department of Corrections (DOC) will be released into communities across the Commonwealth. The average state offender serves a little over three years in state custody, often returning to the same inner-city neighborhoods plagued by crime and high unemployment rates where they grew-up. What’s more, an ever growing number of state inmates arrive in the state system with 12 months or less to serve until they are eligible for parole. In fact, nearly 40% of new court commitments received in the DOC in 2009, were these “short-min” offenders.

Two-thousand and eight was the first year since 1972 that state prison populations nationwide showed a decline. However, due in part to a precipitous drop in the parole rate that year, Pennsylvania’s state prison population grew by 2,122, the largest increase in numbers among all states. The DOC population is projected to grow by approximately 8,500 inmates over the next five years. Even after considering the planned capacity expansion of 8,000 additional prison beds over the next five years as well as the expected impact of a few thousand beds saved through recently passed legislation targeting prison population reduction, the Department will still be operating at an estimated 110% of capacity by year-end 2013. As a result of the unprecedented and unsustainable growth, the Department has contracted with county jails to house 570 offenders and is housing a total of 2,100 inmates out-of-state.

At the same time and in conjunction with an expanding overall prison population, increasing numbers of offenders are now being released from DOC custody each year. Annual releases have increased by approximately 45% over the past nine years, from 10,719 releases in 2000 to 15,591 releases in 2008. Pennsylvania’s prison release trends mirror a growing nationwide trend of increased numbers of prisoners returning home each year, which has spawned a significant movement among corrections professionals, policymakers, and criminologists towards developing effective prisoner reentry strategies. Community reintegration presents a number of obstacles and barriers for released offenders, many of which have been documented in a study of parole violators conducted by the Department as well as by other national experts on the topic of prisoner reentry. Additionally, many of these barriers to reentry are further complicated by prisoners being located for much of their incarceration stay in prisons far from home and from family. It is now fairly well documented that the first weeks and months after an ex-offender is released from prison pose the most serious at-risk period for re-offending. National studies also indicate that approximately 6% of overall crime rates can be accounted for by former state inmates. Interestingly, a recent review of research on community reintegration by the National Academy of Sciences found that the first weeks and months after release from prison also pose an increased health risk and higher than average mortality rates. Thus, the stakes are high; the consequences of prisoner reentry are significant for ex-offenders, their families, and communities at-large. While the overall 3 year recidivism rate for offenders released from PA prisons has declined slightly, more than 40 percent of 2006 releases returned to state custody within a 3 year period.

So, what can corrections systems do in the short term? Given the significant fiscal constraints at both the state and local levels, we need to be smarter about using the resources we already have, as it is not likely that new resources will be available any time soon. Also, we need to remember that all of us, both county jails and state prisons, are largely serving the same people. Offenders are often known at multiple levels of the criminal justice system. Probation failures often end up in jail; jail inmates often end up in state prison. The “churners” cycle through jail, prison and parole. What’s more, these offenders are well-known to other systems including welfare, homeless shelters and emergency rooms.

One option that seems to make intuitive sense is to reintegrate state-sentenced offenders who have gone through a comprehensive assessment and completed prescribed programs designed to mitigate their future risk of criminal involvement while in state custody, through their local jail. Jails, while certainly subject to resource and time constraints (given the reality that most offenders in jails are unsentenced and those who are sentenced often serve a very short time in jail), exist in communities where offenders actually are returning; the same cannot be said of most state prisons which often are located in counties that do not have high numbers of residents serving time in state prison. Jails are an important part of their community and work daily with local law enforcement, service providers and faith-based and community organizations.

There is a growing body of literature which recognizes the importance that social capital and informal social controls play in offender success. Anecdotally, in talking with former offenders who have succeeded in the community, most point to at least one pro-social person in their lives who they could turn to for on-going support and guidance. That person might be a member of a church, an AA sponsor or their parole agent. Jail staff is in a very good position to make these important community connections for individuals and in fact, do so every day with offenders housed in their jail. In particular, this approach may be well-suited for state offenders incarcerated for longer periods of time and who have been located further from home. On the other end, are low risk offenders who research would suggest should be isolated from higher-risk criminals to avoid increasing the low risk offenders probability of committing additional crimes. One way to do this is to move these offenders back into their local jails where they can maintain and hopefully strengthen community ties.

COUNTY JAIL CAPACITY

Currently, the DOC houses approximately 570 offenders in 11 county jails including: Armstrong, Bedford, Berks, Cambria, Centre, Clinton, Indiana, Lackawanna, Lawrence, Wayne and York counties. We are working with counties to explore placing inmates within a few months of being time eligible for pre-release placement back in their local jail first as full custody inmates. All of these inmates would have completed their prescribed correctional programming and would be inmates whom prison staff would recommend for pre-release and parole release. Jail staff and local providers would work with these offenders on life skills, finding employment or participating in on-going skills training and in some cases, identifying permanent housing. Offenders who successfully completed the “full custody” phase, could then be moved to work release or to other agreed upon transitional programs such as day reporting. If this step-down approach were to occur, we would need to negotiate per diems and services with counties who currently have contracts with the department for housing state offenders; those contracts would then be amended and processed for approval. Departmental fiscal resources will play an important role in determining how many offenders we might be able to transition in this way and through which counties. We are exploring all avenues for funding this important “experiment” and are hopeful that we will all be able to move forward to enhance public safety by increasing offender success, while saving money and precious hard cell space at the state level.

PREVIOUS RESEARCH

A handful of other state correctional agencies have utilized local jails to transition returning prisoners to the community. In Virginia, the Department of Corrections pre-releases state

inmates to county jails for work release. In Indiana, the state legislature enacted a law in 2001 which provides that state inmates can be remanded to local jails 60 to 180 days before their release date, permitting them to participate in work release and transition programming.

While none of these initiatives have been rigorously evaluated, they might be viewed as promising practices if carried-out in accordance with what we know works with offenders. Most initiatives fail not because of a flawed concept, but because of infidelity to the model. If we can work together to capitalize on our strengths, we can provide for a safer Pennsylvania for our families, friends and neighbors.