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Prison Release in Kentucky: A Convict Perspective on Policy Recommendations

by James Austin, Stephen C. Richards and Richard S. Jones

Like many other states, Kentucky is currently facing a severe budget crisis and is seeking ways to lower its prison costs. To better understand the number and types of persons being released from prison to parole, we recently requested and received from the Kentucky Department of Corrections a data file that contained information on all prisoners released in 1998. We also interviewed prisoners and parolees, as well as correctional and parole staff. In our analysis of these records and interviews, we found no difference in recidivism based on a prisoner's length of stay. Put differently, no crime reduction gains will be achieved by either extending or reducing the period of a prisoner's imprisonment. As of January 2003, this study has contributed to the immediate release of nearly 900 prisoners in Kentucky.

Crime Rates, Prison Population, and Parole Violators

Kentucky's crime and incarceration rates are below the national average. Still, Kentucky's prison population is continuing to grow and is projected to increase substantially over the next decade. The predicted growth is due to longer sentences and legislatively mandated restrictions on how long a prisoner must wait until he/she is eligible for parole. Although the overall recidivism rate, as measured by a return to prison within three years, is below the national rate, a large proportion of those paroled are returning to prison for technical violations.

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Restorative Justice Poses Challenges for Men Incarcerated in Pennsylvania

by Barb Toews

I want them to know that I am remorseful! That I understand if they are mad at me and wish me the worst. I feel their loss to my inner being and if I could go back and bring back their daughter I would do it. But I can't and that it was really pains me. I want to do something to try and bring healing to those I've hurt. I am not the same man I was back then. I have changed. I now support life, not destroy it.

Keith, a man incarcerated in a Pennsylvania prison, expresses his desire to make amends, to acknowledge the hurt he caused. His words may be surprising to some. Keith said these words when he was asked why he would want to communicate with the survivors of his crime. His desire to account for his actions is no different than the desires that the rest of us feel when we hurt people in non-criminal ways in our daily lives. His words reflect the urgency that many incarcerated men and women have as they struggle to respond to their crimes in ways that are meaningful and promote healing.

The Pennsylvania Prison Society hears this message repeatedly from men and women incarcerated in Pennsylvania's 26 institutions. The Prison Society, founded in 1787, provides services and advocacy to prisoners and their families as part of its mis-

sion to advocate for a humane, just and restorative correctional system and to promote a rational approach to criminal justice issues. We are in a unique position to engage with people who have committed crimes and to understand and respond to their needs.

The Prison Society's Restorative Justice (RJ) Program is one way that we have responded to prisoner needs. The RJ Program gained impetus from both an organizational interest in the philosophy and the distinct call from incarcerated men and women who are looking for meaningful opportunities for accountability and restoration. Through both letters and conversation we hear similar messages from prisoners:

I have lived with my crime for the many years of my imprisonment. I have taken all the programs offered me. I have become the person I was meant to be. There is more to do that I want to do—I want to reach out to the victim of my crime, to the community. I want to say I'm sorry and offer to do something to try and make things better. Help me find a way to do that.

Something More Is Needed

These messages tell us that incarceration and the prison experience are not enough to

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nical violations. Of the nearly 16,000 men and women in the Commonwealth's prison population, approximately 2,800 prisoners are technical parole violators. In terms of the over 8,000 admissions each year, about 2,000 are parolees who were returned to prison as technical violators.

The obvious explanation is that a person under parole supervision can be returned to prison for essentially non-felony and even non-criminal behavior. Clearly, any effort to reduce the parole technical violation rate will have a substantial impact on the prison population.

The Impact of Imprisonment on Recidivism

While a larger proportion of released prisoners serve less than the average two to three years of imprisonment, a significant and growing number have spent five to ten years or longer incarcerated. Further, prior to being admitted to prison, most have spent four to six months in the local jails awaiting the disposition of their court sentences. And for those released on parole, they will spend another two to three years under parole supervision. In full, when one is convicted of a felon and sentenced to prison, the norm is to spend the next five years in jail or prison and then under some form of parole supervision. Just what is the impact of this time in jail and prison on prisoners and their prospects for the future?

Most criminal justice scholars and policy makers have at best a vague idea of the problems that confront the men and women getting out of prison. Many prison studies are conducted without interviewing prisoners and may fail to discuss the deterioration and disorganization experienced by individuals confined for many years. Unfortunately, researchers unfamiliar with what goes on in prisons may underestimate the degree to which prisoners returning home may suffer from profound trauma and confusion that complicates their transition from prison to street.

Depending upon the individual, the period of imprisonment and the imprisonment experience, prison has differential consequences. Despite these differences, incarceration affects the psychological and physical health of all prisoners. Having lost their place in the free world (family, home, employment), prisoners are compelled to adjust to the prison regime. Some prisoners develop their own means to protect them-

selves from the humiliation and dangers of confinement. In so doing, they may learn to be passive and dependent, losing the ability to make their own decisions and plan a new life.

Adapting to prison life has little to do with preparing oneself for returning to society and may often serve to worsen a person's ability to succeed once released. Having learned the way of the penitentiary and survived the ordeal of imprisonment, he/she may have forgotten how to live in "free society" with its complexities, demands, and reciprocal obligations. As prisoners exit penal institutions to reenter the world outside, they may be frightened and angry, for they know, better than does the public that will flee their company, that they are ill prepared for the transition they now face. Unfortunately, some men and women have no idea where they are going, where they will live, or where they will work. Unlike friends or family members being released from hospitals, or extended tours of military service, convicts are less than welcome and unlikely to receive sustained family and community support.

Convicts Returning Home

The return of prisoners is concentrated in low-income urban communities. These communities are also generally plagued by high crime and incarceration rates. Prisoners' returning home and failing parole waste tax dollars. Scarce resources that could be deployed in other ways are directed toward the arrest, detention, court processing, and incarceration of recidivists. Reducing the number of parolees returned to prison provides an opportunity to redirect local and state funding to improve education, pay for economic development, and promote new employment opportunities in these disadvantaged communities.

Recidivism studies also indicate a significant number of released prisoners who are neither re-arrested nor returned to prison after three years. We know very little about the success stories of many parolees. We do know that increasing prisoner and parolee participation in educational, vocational training, and a variety of counseling programs serves to suppress the historically high rates of recidivism. Stable residency and employment are also associated with lower recidivism.

In Kentucky, parole agencies shoulder much of the responsibility for prisoner reintegration. The growing number of releases from prison has resulted in increasingly

large caseloads, which has contributed to the new "police style" of parole. Parole agents now focus on enforcing the many restrictions parolees must comply with, including frequent testing for drug and alcohol use, home curfews, and non-association with other felons. Unfortunately, parole officers now focusing on investigation and surveillance have little time left to help parolees with finding residential and occupational opportunities. The result is a dramatic rise in parolees being returned to prison for violating the technical rules of parole.

Sample Selection

We decided to sample prisoners and persons who were on parole supervision in the Louisville area. Locating the prisoners and parolees and drawing a sample of them was relatively easy. In comparison, selecting a representative sample of released prisoners was a bit more complicated. For a number of reasons, these men and women are difficult to locate and track over time. We spent considerable effort locating a "convenience sample" of those individuals that had "maxed out" or "served out" their entire prison sentence, with no requirements to report to a parole office.

In total, 53 parolees were interviewed. Interviews were conducted in one prison, one parole office, and two community halfway houses. All of the interviews at the parole office and halfway houses were tape-recorded. Prison interviews were not recorded because of security restrictions. We also interviewed prison, parole supervision and supervisory staff to gain their perspectives on the parolees and the factors that serve to increase or reduce the likelihood of success on parole. We were able to review official case files and records for each selected case.

The interviews were conducted in a parole office that serves a predominately African American neighborhood just west of downtown Louisville (The West End), characterized as a community of modest homes, relatively low-income, with high crime rates. Parolees making their monthly reports were directed to us by their parole officers. Upon arriving at the office on their "report day," they sit in the waiting room until their officer is available, which can take as long as an hour. Once they are called, they are subject to being searched, including their pockets and purses. They must walk through a metal detector. They pay a \$10 "supervision fee" and additional money for victim restitution, court fees, urine testing, and other related program costs.

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At the suggestion of a treatment official, and with the assistance of the parole supervisor, we decided to visit two halfway houses where large numbers of parolees were known to congregate. Unlike the more formal and sterile parole office setting, we were able to complete a number of informal conversations with both staff and residents.

Between the parole office and halfway house interviews, we interviewed 25 people. The average age was 39 years of age, ranging from 23 to 59 years old. Five parolees were women, while 20 were men. Racially, 19 were black and six white. The crimes they were sentenced for included child support, drugs, burglary, theft, shoplifting, armed robbery, bank robbery, manslaughter and murder. The most common crime was drug possession or dealing. The average sentence to be served (not counting sentences that run concurrently) was 13.6 years, with sentences ranging from 1.5 years to life.

The last sample was drawn from prisoners who had failed parole supervision and were returned to prison to appear before the Parole Board. They were temporarily housed at the Roederer Correctional Complex. This provided a random sample of 20. The prisoner sample returned for parole violation were all male, with an average age of 36 years (ranging from 20 to 50 years), and 12 were black (eight were white). Crimes sentenced for included drug trafficking, burglary, theft, kidnapping, and receiving stolen property. The most common crime was drug possession or dealing. The average sentence to be served (not counting sentences that run concurrently) was 14 years, with sentences ranging from 5 to 30 years. Most of these parolees were returned to prison for technical violations: primarily for dirty urines, but also for two failures to report, two failures to report changes of address, two failures to complete classes, and one failure to follow halfway house rules.

Finally, in an effort to learn more about men that had successfully completed years on parole, we interviewed eight individuals that had successfully completed parole and were "off paper."

Preparing for Release From Prison

Very few studies of prison and parole interview prisoners or parolees. Instead, researchers often look at official records or survey correctional personnel. Our research gives voice to the convicts. Notice we do not use the office terms "inmates" or "offenders."

From the prisoners' perspective, the prison system is a series of vast warehouse buildings where they are inventoried and stored. Deliveries arrive at the front door, are stored on a shelf for years, then shipped back to the community with no value added. Much of this institutional product is returned as defective or in need of repair.

Many felons come to prison with low levels of educational achievement, few job skills and poor work histories, and problems associated with drug and alcohol use. The number of quality education, vocational and treatment programs have always been insufficient to meet the needs of the prison

for their benefit. They have a furniture shop and all of that, but it is just to make furniture for the state, not to prepare you for a job. So, they profit from that because you get halfway through the course and then they transfer you to another institution and you don't get to finish that. I don't think it is directly meant for you. I think it is more of a profit for them. I mean, you are making the things that they can use directly in the penitentiary. And, after awhile, they don't need you anymore. The next place [prison] you go might not even have that same vocation.

Immediate employment for persons released from prison would save tens of millions of dollars a year in expenditures on homeless shelters and social services.

population. However, as the prison population has increased over the years coupled with the worsening of the State's fiscal picture, the number of services and programs for prisoners has declined even further. For those programs that remain, long waiting lists now exist. Without exception, nearly every interviewee remarked on the lack of meaningful programs. Old-timers talk about the way things once were in Kentucky:

All that we have now is drug meetings and alcohol meetings. That's about it. And the JCs. They took all of the college courses off; they stopped the funding for them. So, they give you nothing. I mean, back when I was first doing time, whatever you wanted you could do. They had vocational, college, and the government really took all of that away.

For the programs that remain, there are long waiting lists: "They took all of the college courses out of the system. They still have masonry and some skills courses. Now, I wanted to get into them but the waiting list was two to three years long."

Another parolee shared this view: "If you are less than 10 years [in prison], you might as well forget it cause you are not going to get into a class or a program."

Some parolees question whether programming is intended to benefit the prisoner or the institution:

I don't think the training skills that they give you are all that beneficial. It is more

It should be emphasized that correctional officials also share prisoner perceptions. They informed us that over the past few years the number of quality prison based programs, particularly in the areas of education, vocational training, and drug/alcohol treatment, have not kept pace with prison population growth and demand.

Leaving Prison

Many prisoners leave prison in worse shape than when they entered the system. Some have become more dependent, more frustrated and angry, and lacking in skills necessary for successful re-entry to the free world. Unfortunately, the prison system is inadequately equipped to prepare a prisoner for release.

The fast pace of modern society, the march of technology and social change, leaves many prisoners, even those that have only been incarcerated a few years, a step or two out of date when they finally exit the prison gates. As one male prisoner told us:

And people in society don't understand what a person has been through, especially when you have been locked up for a lot of years. It's like the world keeps going on and you is like in a time freeze. And when you get out, you expect everything to be the same way as when you were locked up. And it's not that way.

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Many convicts have spent most of their adult lives incarcerated or under probation and parole supervision. They may have been first incarcerated at a young age and never been self-supporting or independent of parents. In prison they became dependent. Upon leaving prison they are unable to rent an apartment, find a job, or live on their own. One woman who went to prison as a teenager and now many years later is free observes:

Even if you are locked up for a year, or two or three, you can't just get out of prison and expect somebody to make it when they have no tools, no clue how to do it. Cause most people that's in prison never had the responsibility in the first place. They're young, teenagers, always at home. Got in trouble and went to prison. They never had to make no decisions. Adults made their decisions. So they move one parenting situation to prison telling them what to do. The same thing happened to me. Eighteen years old and went from home to prison, people still telling me what to do. So, I'm used to it. I'm used to people telling me what to do. Then they stick me out here and I don't have a clue. They don't have any programs to help people like that. None.

This woman, now in her thirties, went from her mother's home to prison. Now, many years later she gets out of prison, and has no experience to guide her. She is still, in many ways, a teenager.

"Inmate pay" in the Kentucky prison system is 75 cents to \$1.25 a day or \$15 to \$25 a month. In addition, prisoners are subject to many charges that limit their ability to save money, such as fees to see a doctor (\$2 a visit) and medical co-pays. This prevents prisoners from saving money for help with re-entry. It also produces idleness and a poor work ethic for work on the outside.

In fact, the only people who had money when they left the prison were those who had money sent in to them. The prisons do not provide "gate money," street clothes, or a bus ticket home. If they do not have street clothes mailed in they walk out of prison in convict uniform. One of the parolees said, "Imagine what that is like to walk around the streets with your name and number on your shirt." Another reported:

People in my neighborhood they know what institutional uniforms look like. They know you just got out of prison. If I was less fortunate, I would have had nothing, just that state issued uniform.

I saw a guy last week; he came back in that uniform, the one he left in just days before. Most of them walk out of prison with little or no money.

The prisoners are being released with no ID, driver's license, or social security card. They carry only their "Gold Seal," which is what they call their parole papers. They are told to use this official document to prove their identity and apply for a state identification card and social security card. Obviously, this slows down their job search. The most pressing needs they have on release are money, housing, job training, jobs, and education.

Policy Recommendations

The current fiscal crisis facing the State requires a reduction in the costs of the prison system. This can only be achieved by reducing the prison population. We make the following policy recommendations:

New Legislation. We need new legislation to eliminate "mandatory minimums" and so-called "truth in sentencing" provisions and to increase use of probation, community programs, and "shock probation." Prison should be reserved for those persons convicted of violent offenses or who have repeatedly failed probation.

Redirect Correctional Budgets to "Do Corrections." Once the prison population is reduced, redirect existing resources to new vocational, educational, and treatment programs. Ask prisoners what programs they need and want. Fire the guards we do not need and hire the teachers and treatment staff we do.

Reintroduce College Programs. Interviewing these prisoners and parolees, we were struck by the inevitable problems of reentry predicated on the lack of education of many of the interviewees. Many of them were illiterate, semi-illiterate, or without high school diploma. Still, when asked, a number of individuals expressed interest in completing secondary credentials and continuing on with higher education.

We suggest the prison system could reintroduce on-site college courses and correspondence courses. At the very least, all prisons should provide prisoners with applications for university, admissions and financial aid. For example, with a little assistance and encouragement from prison education staff, some prisoners might file their applications while in prison, anticipating a release date, and enter college or university upon release. To get this started, we suggest a pilot program that provides one-year scholarships of tuition, room, and board for prisoners that

qualify at Kentucky state universities or community colleges. The university system always welcomes new scholarship and state funding.

Decreasing the prison population eases overcrowding and provides an opportunity for new program options in prison. This should include more effort to provide vocational and college courses, prison employment that provides real life job skills, and job placement in the community.

Public Employment for Ex-Convicts.

We recognize that a major reason so many former prisoners return to criminal activities is their inability to find employment the first few weeks or months on the street. Reduced to abject poverty, standing on street corners or living in shelters they drift back into deviant lifestyles. In response, we need to develop additional employment opportunities that are reserved for people returning home from prison.

We suggest the community might be better served if it devoted more resources towards providing employment. This could be accomplished if local government reserved entry-level positions for former prisoners, for example jobs doing building maintenance, park services, and street repair. The idea is to put the men and women to work immediately upon release from prison. This would reintroduce them to paid employment, where they receive a paycheck and benefits, provide money to pay for immediate needs (food and shelter), help to stabilize these men and women so they can support themselves and families, divert them away from the underground street economy, and provide work supervision as well as an employment reference for their next job. The city and county providing employment would save the state the cost of returning these individuals to prison.

In addition, a state sponsored program is needed to provide incentives to employers that hire and retain parolees and ex-cons. Full-time job developers and employment counselors at each parole office could administer this program. We estimate that immediate employment for persons released from prison would save tens of millions of dollars a year in expenditures on homeless shelters and social services.

Address the Immediate Basic Needs of Prisoners Being Released. All prisoners released from Kentucky prisons should have a valid state identification card or valid driver's license, social security card, sufficient gate money for food and rent for 30 days,

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appropriate clothing for season of year and job search, and a bus ticket home.

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