

# Prisoner Reentry

By: Luckett A. Johnson

*Urban Research and Resource Center*

*2019: The Year of Criminal Justice Reform*





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*for the*

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**THE URBAN RESEARCH AND RESOURCE CENTER (URRC)**  
at Texas Southern University

Texas Southern University established the Urban Research and Resource Center to oversee urban programming throughout the university. The URRRC is responsible for establishing strategic collaborations within and outside of the campus. The URRRC ensures that there is a coordinated effort to meet the university's special-purpose designation, scholarly works are published and resources are utilized effectively. The URRRC serves as a community catalyst and a resource for developing urban policy and evaluating results.

The URRRC's mission is to develop and expand research programs that conform to the University's institutional mission, strategic plan and community needs.

TSU President Austin A. Lane built upon the historical vision of Dr. Granville Sawyer, former president of Texas Southern, and provided leadership to institute the URRRC. The Center was established by a group of people who recognize the role of the University in making Houston and the country a better place for all its citizens. Dr. Lane was joined by Dr. Michael Adams – Barbara Jordan Mickey Leland School of Public Affairs (SOPA); Distinguished Professor James Douglas – Thurgood Marshall School of Law (TMSL) and president of the board of directors of the Earl Carl Institute for Legal and Social Policy, Inc. (ECD); Professor Carroll Robinson, Esq. (SOPA); Professor Marcia Johnson – TMSL; and Lockett Anthony Johnson – executive director, Karnak, Inc.

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## Prisoner Reentry

Prisoner reentry is described as the reintegration of offenders back into their communities after release from jail or prison.<sup>1</sup> It may be broadly defined as the processes and experiences associated with offenders' incarceration and release from prison, jail, or some form of secure confinement.<sup>2</sup> The term *prisoner reentry* gained wide recognition in 1999 when Attorney General Janet Reno asked then director of the National Institute of Justice, Jeremy Travis, to provide information about men and women exiting prison and returning

to their status as civilians.<sup>3</sup> Since that time, significant local, state and federal policies have addressed the issue of prisoner reentry.<sup>4</sup> In large part, the reason for the increased interest in prisoner reentry grew out of the hugely expanded prison and jail populations that occurred over the last thirty years and the increasing problems associated with prisoner release.<sup>5</sup> For example, the recidivism rates for released prisoners suggests that offenders return to the criminal justice system at a rate as high as 67.5% within three years after their release, and for the same period, returned to prison at the rate of about 25%.<sup>6</sup> It was also

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<sup>1</sup> See for e.g Offender Reentry, National Institute of Justice, Office of Justice Programs available at <https://nij.gov/topics/corrections/reentry/Pages/welcome.aspx>

<sup>2</sup> Edward E. Rhine and Anthony C. Thompson, The Reentry Movement in Corrections: Resiliency, Fragility and Prospects, 47 No. 2 Crim. Law Bulletin ART 1 (2011) (introduction second sentence third paragraph)

<sup>3</sup> Christy A. Visher, Returning Home: Emerging Findings and Policy Lessons about Prisoner Reentry, 20 Fed.Sent.R. 93 (2007); Since then Travis has become a leading expert in the area of reentry. See also Janet Reno, Remarks of the Hon. Janet Reno on Reentry Court Initiative, John Jay College of Criminal Justice, New York, Feb. 10, 2000, where the Atty Gen declared: "one of the most present problems we face as a nation, [is] the reentry of offenders from prison back to the communities where the problem started in the first place."

<http://www.usdoj.gov/archive/ag/speeches/2000/doc2.htm> (last visited October 23, 2017)

<sup>4</sup> Id. Christy A. Visher, Returning Home: Emerging Findings and Policy Lessons about Prisoner Reentry, 20 Fed. Sent.R. 93 (2007)

<sup>5</sup> Supra note 2 Edward E. Rhine and Anthony C. Thompson, The Reentry Movement in Corrections: Resiliency, Fragility and Prospects, 47 No. 2 Crim. Law Bulletin Art 1 (2011) (introduction second paragraph first sentence)

<sup>6</sup> Matthew R. Durose, Alexia D. Cooper, Ph.D., Howard N. Snyder, Ph.D., Bureau of Justice Statistics, Recidivism of Prisoners in 30 States in 2005:Patterns from 2005 to 2010-Update, Bureau of Justice Statistics, <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=4986>, April 22, 2014 finding that About two-thirds (67.8%) of released prisoners were arrested for a new crime within 3 years, and three-quarters (76.6%) were arrested within 5 years. Within 5 years of release,

reported that during the period while they are released, they committed approximately five crimes *before* returning to prison. Many of the released prisoners reentered urban areas causing a greater impact to urban and surrounding areas.<sup>8</sup> In Texas, more than 20% of the prisoners who are released from incarceration reenter communities in Harris County, Texas, with a predominance of that number moving to Houston.<sup>7</sup>

Between 1990 and 2012, an average of nearly 600,000 inmates had been released annually from state and federal prisons and almost 5 million ex-offenders were under some form of community-based supervision.<sup>8</sup> That figure does not account for the number of inmates that are released from local jails across the country. Of the more than 600,000 prisoners returning home annually, about 130,000 individuals will be released without any form of oversight upon completion of

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82.1% of property offenders were arrested for a new crime, compared to 76.9% of drug offenders, 73.6% of public order offenders, and 71.3% of violent offenders. More than a third (36.8%) of all prisoners who were arrested within 5 years of release were arrested within the first 6 months after release, with more than half (56.7%) arrested by the end of the first year. Two in five (42.3%) released prisoners were either not arrested or arrested once in the 5 years after their release. A sixth (16.1%) of released prisoners were responsible for almost half (48.4%) of the nearly 1.2 million arrests that occurred in the 5-year follow-up period. An estimated 10.9% of released prisoners were arrested in a state other than the one that released them during the 5-year follow-up period. Within 5 years of release, 84.1% of inmates who were age 24 or younger at release were arrested, compared to 78.6% of inmates ages 25 to 39 and 69.2% of those age 40 or older. (last visited October 23, 2017) and compare to Patrick A. Langan & David J. Levin, U.S. Dept. of Just., *Recidivism of Prisoners Released in 1994* (2002) which reported that their 2002 “study considered the outcomes of 272,111 prisoners during a three year follow-up period subsequent to their release in 1994 across a sample of fifteen states. The results showed that two-thirds (67.5%) of the individuals released from prison in 1994 were rearrested for at least one

crime, including felonies or serious misdemeanors, within the three year window following their incarceration. Just under one-half (46.9%) were reconvicted for a new crime, while one-quarter (25.4%) were re-sentenced to prison based on their convictions for such crimes. Even more, 51.8% were returned to prison either for new crimes or for technical violations of the conditions of their release. The same cohort accounted for 4.1 million arrest charges prior to their confinement and close to three-quarters of a million charges within three years following their 1994 discharge.”

<sup>7</sup> Brazzell, Diana, and Nancy G. La Vigne. “Prisoner Reentry in Houston: Community Perspectives.” Urban Institute Justice Policy Center. May 2009. Pp. 2. [http://www.urban.org/research/publication/prisoner-reentry-houston-community-perspectives/view/full\\_report](http://www.urban.org/research/publication/prisoner-reentry-houston-community-perspectives/view/full_report)

<sup>8</sup> James, Nathan. “Offender Reentry: Correctional Statistics, Reintegration into the Community, and Recidivism.” Congressional Research Service. 12 Jan 2015 available at <https://fas.org/sgp/crs/misc/RL34287.pdf>

their sentences.<sup>9</sup> These individuals will not be on parole; they will not be subject to any release conditions; they will have no obligation to report to, or work with a parole officer.<sup>10</sup> Instead, record numbers of ex-offenders will be left on their own to navigate their release and reintegration into the very communities and conditions in which they lived preceding their involvement in the criminal justice system.<sup>11</sup>

Following the trajectory that the data suggests, it is safe to infer that the number of former inmates scheduled to return to communities across America, may be slightly higher than normal due to the over 1,700 commutations granted by President Obama

between 2014 and 2016.<sup>12</sup> An additional 6,000 inmates were released by the Justice Department from federal prison as a strategy to alleviate overpopulation which resulted, in part, from the harsh sentences that were administered for nonviolent drug offenses.<sup>13</sup> The majority of the 6,000 released will return to Texas.<sup>14</sup> The presidential commutations and Justice Department releases are part of the growing political sentiment that sentencing has been unfairly burdensome, especially for non-violent drug cases.<sup>15</sup>

The potential effect of the current Attorney General's policies on crime, imprisonment and sentencing is not yet measureable, but if history is any measure, then there will be a

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<sup>9</sup> Thompson, Anthony C. "Navigating the Hidden Obstacles to Ex-offender Reentry" Boston College Law Review. Vol. 45, Issue 2, No. 2, 2004. Pp 257. [https://www.bc.edu/content/dam/files/schools/law/lawreviews/journals/bclawr/45\\_2/01\\_TXT.htm](https://www.bc.edu/content/dam/files/schools/law/lawreviews/journals/bclawr/45_2/01_TXT.htm)

<sup>10</sup> Id

<sup>11</sup> Id

<sup>12</sup> Korte, Gregory. "Obama grants 330 more commutations, bringing total to a record 1,715" USA Today. 19 Jan 2017 <http://www.usatoday.com/story/news/politics/2017/01/19/obama-grants-330-more-commutations-bringing-total-record-1715/96791186/>

<sup>13</sup> Schmidt, Michael S. "U.S. to Release 6,000 Inmates From Prisons" The New York Times. 6 Oct 2015.

<https://www.nytimes.com/2015/10/07/us/us-to-release-6000-inmates-under-new-sentencing-guidelines.html>

<sup>14</sup> "Texas, Florida, Illinois to receive most inmates from massive federal prison release". RT. 8 Oct 2015. <https://www.rt.com/usa/318063-texas-florida-illinois-prison-inmates/>

<sup>15</sup> See Katherine Q. "In Heroin Crisis, White Families Seek Gentler War on Drugs" The New York Times. 30 Oct 2015. [https://www.nytimes.com/2015/10/31/us/heroin-war-on-drugs-parents.html?\\_r=0](https://www.nytimes.com/2015/10/31/us/heroin-war-on-drugs-parents.html?_r=0)

significant reescalation of arrests, imprisonment and reentering ex-offenders.<sup>16</sup>

A report by the United States Sentencing Commission states that the increase in the federal court's docket was dynamic under the pre-Obama guidelines.<sup>17</sup> For example, the number of drug trafficking offenders sentenced in federal court increased from just under 5,000 cases in 1984 to nearly 25,000 cases in 2001. The report further states that the growth in the "federal criminal docket is *not* a reflection of rising crime rates; indeed, throughout the 1990s, the national crime rate decreased, as measured both by the Uniform Crime Reports and the National

Victimization Survey."<sup>18</sup> Returning to the age of over-incarceration would effectively exacerbate the problems of reentry for the ex-offender and society, alike. Reentry amplifies an ironclad truth of imprisonment: "*They eventually come back.*"<sup>19</sup>

As a practical matter, prisoner reentry is viewed as a philosophy with systems management, evidence-based programming and interdisciplinary collaborations with government agencies and the community at large.<sup>20</sup> The focus and energy driving what has become a nascent reentry movement in corrections, reflects the dawning recognition that corrections facilities annually release

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<sup>16</sup> Jeff Sessions, Memorandum For All Federal Prosecutors: Department Charging and Sentencing Policy, May 10, 2017 which requires federal prosecutors to charge and pursue the most serious readily provable offense thus reversing the Obama Administration's efforts to ease penalties for certain non-violent drug offenses available at <https://www.justice.gov/opa/press-release/file/965896/download>

<sup>17</sup> Paul J. Hofer, Charles Loeffler, Kevin Blackwell and Patricia Valentino, Fifteen Years of Guidelines Sentencing: An Assessment of how Well the Federal Criminal Justice System is Achieving the Goals of Sentencing Reform, Chapter 2 available at <https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-projects-and-surveys/miscellaneous/15-year-study/chap2.pdf> finding that current sentences do not accurately reflect the seriousness of the offense and further reporting that

the scale of imprisonment escalated dramatically in federal and most state criminal justice systems

<sup>18</sup> Id. crediting sentencing guidelines policies since the mid-1980s as having been a dominant factor contributing to the growth in the federal prison populations.

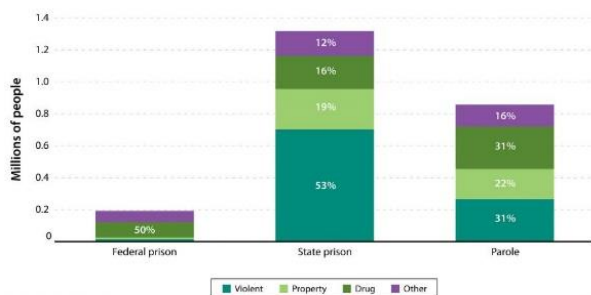
<sup>19</sup> Jeremy Travis, *But They All Come Back: Facing the Challenges of Prisoner Reentry* xxi (2005) pg33 stating that "with the exception of those who die of natural consequences or are executed, everyone placed in confinement is eventually released. Reentry is not an option."

<sup>20</sup> *Supra* note 2 Edward E. Rhine and Anthony C. Thompson, *The Reentry Movement in Corrections: Resiliency, Fragility and Prospects*, 47 No. 2 *Crim. Law Bulletin* Art 1 (2011) (introduction first paragraph third sentence)

hundreds of thousands of offenders who are often ill-prepared to make a successful transition home.<sup>21</sup>

FIGURE 5.  
Prison and Parole Populations, by Most Serious Offense

Nonviolent offenders are overrepresented among parolees.



Source: Carson 2015; Kaibie, Maruschak, and Bonczar 2015.  
Note: Population counts are based on prisoners with sentences of more than one year in 2014. The composition of state prisoners is imputed using 2013 year-end shares. "Other" includes weapons and public order offenses. The percent of federal prisoners whose most serious offense was violent, property, or "other" was 7, 6, and 37 percent, respectively.



Moreover, reentry incorporates all activities and programs conducted to prepare released prisoners to return safely to their communities. There are two primary goals of reentry and reintegration efforts:

<sup>22</sup> The first and main goal is to break the cycle of recidivism, as this is the root factor leading to systemic prison reentry and its direct effect on the urban community. The second is to ensure sustainable reentry

projects that provide long-term, positive reintegration of returning prisoners into their communities.<sup>23</sup> To reach these goals, reentry professionals have generally identified three phases:

The initial phase is institutional and occurs while the person is incarcerated. The second stage begins six months prior to release and lasts through thirty days after release. The final stage, known as “Community Integration”, begins on the thirtieth day after release.<sup>24</sup> It is also theorized that for a successful reintegration, the offender must be actively involved in the decision-making and reentry planning to encourage offender accountability.<sup>25</sup>

Returning to the community from jail or prison is a complex transition and successful reintegration is challenged by numerous barriers that must be overcome.<sup>26</sup> A

<sup>21</sup> Id. at (introduction second paragraph last sentence)  
<sup>22</sup> Jessica A. Focht-Perlberg, Two Sides of one Coin-Repairing the Harm and Reducing Recidivism: A Case for Restorative Justice in Reentry in Minnesota and Beyond, 31 Hamline J.Pub.L. & Pol’y 219, 237-8 (2009)  
<sup>23</sup> Id.

<sup>24</sup> Id.  
<sup>25</sup> Id.  
<sup>26</sup> “NIJ’s Reentry Research Portfolio” National Institute of Justice. 25 Feb 2015. <https://www.nij.gov/topics/corrections/reentry/Pages/welcome.aspx>



substantial majority, roughly 95 percent, of state prisoners will be released from prison at some point, requiring them to transition back into the community.<sup>27</sup> When formerly incarcerated offenders return, they often struggle with challenges that may include substance abuse, lack of adequate education and job skills, limited housing options, mental health issues, family reintegration and other obstacles that hinder successful transition into society.<sup>28</sup> Understanding and examining the different barriers that exist for offenders reentering their respective communities is key to successful reintegration and likely to lower recidivism rates.

Reentry policies vary across the country on federal, state and local levels, giving access to varying private and public programs and opportunities. Congress passed the Second

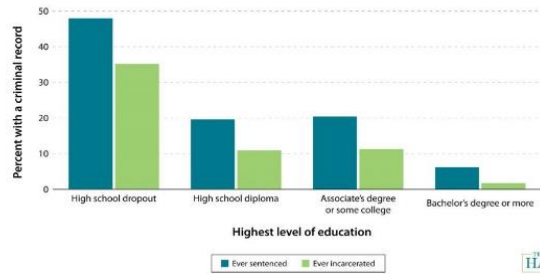
<sup>27</sup> Hughes, Timothy and Doris James Wilson. "Reentry Trends in the U.S." Bureau of Justice Statistics. 18 Oct 2017. <https://www.bjs.gov/content/reentry/reentry.cfm>

<sup>28</sup> Supra note 27

<sup>29</sup> Id.

FIGURE 9.  
Criminal Records by Education (Men Only)

Among Americans age 28–33 in 2013, 35 percent of men who did not graduate from high school have been incarcerated at least once during their lifetimes.



Source: BJS, U.S. Note: Ever sentenced is defined as being sentenced to a corrections institution, to a reform or a training school, or to community service.

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Chance Act of 2007 which provides federal grants for programs and services that work to reduce recidivism and improve offender outcomes.<sup>29</sup> Earlier this year, the City of Houston, in conjunction with the Harris County Sheriff's Office and the Harris County District Attorney's Office, decided to exercise its discretion under state law to stop the arrest and imprisonment of persons possessing 4 ounces or less of marijuana.<sup>30</sup> This policy should have an immediate positive impact on imprisonment in Harris County by diverting an estimated 12,000 people from the criminal justice system and saving officers' hours of processing time

<sup>30</sup> Hlavaty, Craig. "What you need to know about Houston's new marijuana policy" Houston Chronicle. 16 Feb 2017. <http://www.chron.com/news/houston-texas/houston/article/Inside-Houston-s-evolving-marijuana-policies-10937975.php>

spent on misdemeanor marijuana possession

Criminal records constitute an important barrier to employment; criminal records are distributed unevenly across the population. Less than 2 percent of men aged 28 to 33 with at least a four-year college degree report having been incarcerated at some point, compared to 35 percent of male high-school dropouts in the same age group. Men with a GED also report relatively high rates of ever having been incarcerated, at 36 percent, though this might be due to GED programs that are available in prison. Rates of sentencing follow the same pattern, but with larger fractions of men reporting that they have received a sentence at some point in their lives.

The Hamilton Project Oct 21, 2016

cases.<sup>31</sup> This policy should have a longer term effect on re-entry as well. Harris County District Attorney Kim Ogg said the county spent more than \$25 million a year between 2007 and 2017 locking up people for having less than 4 ounces of marijuana.<sup>32</sup> Officials said implementing the new policy could

divert an estimated 10,000 to 12,000 people a year from the criminal justice system.<sup>33</sup>

Officials also reported that more than 107,000 cases of misdemeanor marijuana cases were processed between 2007 and 2017.<sup>34</sup>

Across the country, the trend since 2008 has reflected a gradual decrease in the incarcerated population although that population *did* slightly increase between 2013 and 2014.<sup>35</sup> The downward trend is attributable to a decrease in crime in some areas, decriminalization of certain crimes like marijuana, budgetary restrictions, decrease in pre-trial detention, and an increase in pre-trial bonds among others.<sup>36</sup> In 2016, Harris

<sup>31</sup> ABC, channel 13 reported that Harris County marijuana prosecution by the numbers: Harris County spends approximately \$26 million each year prosecuting 10,000 misdemeanor marijuana cases

Crime labs spend \$1.7 million testing evidence for those 10,000 cases; On average, it takes four hours of a law enforcement officer's time to arrest, transport and book a misdemeanor offender; Harris County spends \$13 million housing marijuana offenders, who each spend an average of 6 days in jail; Low-level marijuana cases account for 10 percent of cases on Harris County court dockets, available at <http://abc13.com/news/what-you-need-to-know-about-harris-cos-pot-policy/1757801/>

<sup>32</sup> Rogers, Brian. "New policy to decriminalize marijuana in Harris County will save time, money,

DA's office says" Houston Chronicle. 16 Feb 2017 <http://www.chron.com/news/houston-texas/article/New-policy-to-decriminalize-marijuana-in-Harris-10935947.php>

<sup>33</sup> Id

<sup>34</sup> Id

<sup>35</sup> Kaeble, Danielle and Lauren Glaze. Correctional Populations in the United States, 2015. Bureau of Justice Statistics. December 2016. <https://www.bjs.gov/content/pub/pdf/cpus15.pdf>

<sup>36</sup> Goode, Erica. "U.S. Prison Populations Decline, Reflecting New Approach to Crime" The New York Times. 25 July 2013 <http://www.nytimes.com/2013/07/26/us/us-prison->

County law officials set goals to reduce the jail population by roughly 1,800 inmates in order to reduce its crowded jail facilities and correct historical biases.<sup>37</sup> This confluence of events and policies has helped stem the tide of America's over-incarcerated population resulting in overcrowding<sup>38</sup> and sky rocketing prison budgets<sup>39</sup>. Nevertheless, the incarcerated population is still alarmingly high and the threat of unsuccessful reentry is still great unless sound policies and reasonable interventions are institutionalized.

### Examining the barriers to Reentry

In 2014 there were more than 1.5 million individuals with a sentence of one year or more in either federal or state prisons. Of these, the vast majority—approximately 87 percent—were in state prisons.

State and federal prisoners differ in the type of offense that leads to incarceration. More than half of federal prisoners are incarcerated for a drug offense, compared to just 16 percent of state prisoners. Conversely, more than half of state prisoners are incarcerated for a violent crime, compared to just 6 percent of federal prisoners (Carson 2015).

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populations-decline-reflecting-new-approach-to-crime.html

<sup>37</sup> Oberg, Ted. "Harris County aims to lower jail population, save money and cut inequality" 07 Jan 2016. <http://abc13.com/news/nearly-2000-harris-co-inmates-could-soon-be-released/1150432>

<sup>38</sup> Wilson, Reid. "Prisons in these 17 states are over capacity" The Washington Post. 20 Sept. 2014. <https://washingtonpost.com/blogs/govbeat/wp/2014/0>

The impact of prisoner reentry continues to burden the returning former prisoner as well as the urban community in a multitude of ways. The lack of resources and education for former prisoners upon release keeps them behind the eight ball when it comes to reintegrating back into society successfully. President Barack Obama and the White House staff understood that barriers to reentry needed to be destroyed to better address the needs of the released individuals as well as society, as reflected in a press release distributed by the press secretary's office:

"Providing incarcerated individuals with job and life skills, education programming, and mental health and addiction treatment increases the likelihood that they will be successful when released. Policies that limit

9/20/prisons-in-these-17-states-are-filled-over-capacity/?utm\_term=.607edebeb0c3

<sup>39</sup> Picchi, Aimee. "The high price of incarceration in America" CBS Moneywatch. 8 May 2014. <http://www.cbsnews.com/news/the-high-price-of-americas-incarceration-80-billion/>

opportunities for people with criminal records create barriers to employment, education, housing, health care, and civic participation. All of these are critical to reducing recidivism and strengthening communities.”<sup>40</sup>

Of course, the barriers to reentry extend further than the few that are mentioned in the press release. Over the next year or so, URRC plans to diligently address the problems of reentry as well as the implications of *law* and *policy* in order to provide sustainable solutions to enhance the growth and positive development of the urban community. One of the most daunting barriers for former offenders when reentering communities and

reducing the chance for rearrest/conviction is employment upon release. There even seems to be a consensus among researchers that employment is *the* most impactful barrier to reentry.<sup>41</sup> The unemployment rate (measured as the number of persons unemployed divided by the civilian labor force), rose from 5.0% in December 2007 to peak at 10.0% in October 2009, before falling to the low level of 4.3% by August 2017.<sup>42</sup> Another fundamental barrier to successful reentry is family relationships which can make or break prisoners' successful return to society, according to ex-offenders trying to reestablish themselves in Chicago.<sup>43</sup> Studies

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<sup>40</sup> Office of the Press Secretary. “Fact Sheet: During National Reentry Week, Reducing Barriers to Reentry and Employment for Formerly Incarcerated Individuals”. The White House. 29 April 2016. <https://obamawhitehouse.archives.gov/the-press-office/2016/04/29/fact-sheet-during-national-reentry-week-reducing-barriers-reentry-and>

<sup>41</sup> Nally, John M., Susan Lockwood, Taiping Ho and Katie Knutson. “The Post-Release Employment and Recidivism Among Different Types of Offenders With A Different Level of Education: A 5-Year Follow-Up Study in Indiana”. *Justic Policy Journal*. Vol. 9 No. 1. Spring 2012. [http://www.cjcr.org/uploads/cjcr/documents/The\\_Post-Release.pdf](http://www.cjcr.org/uploads/cjcr/documents/The_Post-Release.pdf)

<sup>42</sup> United States Unemployment rates, 1948-2017, Trading Economics, available at <http://www.tradingeconomics.com/united-states/unemployment-rate> and see United States Bureau of Labor Statistics. United States Department of Labor, <https://data.bls.gov/timeseries/LNS14000000>

<sup>43</sup> Latricia Good, Family Support is Key to staying out of Prison say ex-offenders in Chicago, Urban Institute, available at <http://webarchive.urban.org/publications/900762.htm>

endorse the importance of healthy family bonds to aid in successful reentry.<sup>44</sup>

Because of the significant role the family plays in the returning prisoner's life after prison, the URRC will also identify and recommend policies that affect the family and that could enhance the likelihood for successful reentry.

### **Types and Terms of Release**

There are varying ways that the former incarcerated are released back into society. In Texas, prisoners are discharged through either discretionary or nondiscretionary releases. There are different types of discretionary releases, but the main two are Discretionary Mandatory Supervision and Parole, both of which often release the offender before the full term of the sentence is served (sometimes well before the full term

of the offender's sentence). Discretionary Mandatory Supervision gives the Board of Pardons and Paroles authority to review eligible offenders on or before their eligibility date, and grant or deny release.<sup>45</sup>

Parole is the release of an offender by a decision of the Board which has complete discretion to grant or deny parole on a case by case basis.<sup>46</sup>

The other type of discharge is Nondiscretionary Release, of which the most common releases are mandatory supervision and direct discharge. Mandatory Supervision is the legal automatic release from prison to supervision for restricted categories of offenders who are released when their calendar time served in conjunction with their good time credit, equals the length of their prison sentence.<sup>47</sup> Direct Discharge

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<sup>44</sup> "Baltimore Prisoners' Experiences Returning Home," by Christy Visher, Vera Kachnowski, Nancy La Vigne, and Jeremy Travis. Urban Institute. 08 Dec 2004. Stating Families were a critical factor as to whether people succeeded on the outside by providing financial and emotional support and linking people to jobs. After they were released, the largest share of respondents (51 percent) relied on their families to support them although before being release 54 percent

had said they expected to be able to support themselves.

<sup>45</sup> Texas Department of Criminal Justice. Parole Division. Types of Releases. [http://www.tdcj.texas.gov/divisions/pd/release\\_types.html](http://www.tdcj.texas.gov/divisions/pd/release_types.html)

<sup>46</sup> Id

<sup>47</sup> Id

occurs when an offender has served the full length of their sentence.

Whether it is a discretionary or nondiscretionary release, most offenders have some variance of post release supervision, either parole or probation. The exception is direct discharge where the offender has no supervision because they purportedly have fulfilled their debt to society. Post release supervision is accompanied by certain requirements that must be fulfilled by the ex-offender as a condition of their release. Failure to fulfill one or all of the conditions of release can lead to sanctions placed on the ex-offender, up to and including, reincarceration.

In some circumstances, meeting the requirements of release can affect the incidents of reincarceration since violating the terms of release itself constitutes an offense. In 2005, the United States Bureau of

Justice reported that 3 out of 4 former prisoners in thirty states were arrested within 5 years of their release; about 77%.<sup>48</sup> Of those recidivating, more than half had either a parole or probation violation or an arrest within 5 years that led to imprisonment.<sup>49</sup> The report also showed that systemic recidivism affects the urban community disproportionately in that recidivism was highest among males, blacks and young adults. By the end of the fifth year after release, more than three-quarters (78 %) of males and two-thirds (68 percent) of females were arrested; a 10 percentage point difference that remained relatively stable during the entire 5-year follow-up period. Five years after release from prison, black offenders had the highest recidivism rate (81 percent), compared to Hispanic (75 percent) and white (73 percent) offenders.<sup>50</sup>

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<sup>48</sup> Bureau of Justice Statistics, 3 in 4 former prisoners in 30 states arrested within 5 years of release, 22 April 2014 available at

[https://www.bjs.gov/content/pub/press/rprts05p0510p\\_r.cfm](https://www.bjs.gov/content/pub/press/rprts05p0510p_r.cfm)

<sup>49</sup> Id.

<sup>50</sup> Id.

## **Returning Home**

The Texas Department of Criminal Justice reports that Harris County, by far, sends the most people to state prisons and is home to the *largest* number of ex-offenders released by the prisons.<sup>51</sup> One study showed that more than a quarter of offenders released by Texas prisons returned to Harris County, and within the county to urban communities; Greater Third Ward and MacGregor; Kashmere Gardens and Trinity/Houston Gardens, East Little York/Homestead.<sup>52</sup> The City of Houston reports that annually between 13,000 and 15,000 ex-offenders are released into Harris County from the Texas Department of Criminal Justice.<sup>53</sup>

These reports show that an overwhelming number of reentrants return to urban communities thus emphasizing the significance of reentry as a prime issue to be

addressed by the Urban Research and Resource Center.

## **Conclusion**

This article is the first in a series that URRC will publish regarding barriers to reentry. In addition, URRC will propose solutions to overcoming these barriers to establish more successful reentries.

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<sup>51</sup> Texas Department of Criminal Justice Statistical Report Fiscal Year 2016, available at [https://www.tdcj.state.tx.us/documents/Statistical\\_Report\\_FY2016.pdf](https://www.tdcj.state.tx.us/documents/Statistical_Report_FY2016.pdf)

<sup>52</sup> Jamie Watson, Amy Solomon, Nancy G. La Vigne and Jeremy Travis, A Portrait of Prisoner Reentry in Texas, The Urban Institute Justice Policy Center

<sup>53</sup> See City of Houston Health Department at <http://houstontx.gov/health/CRNP/>