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Good morning Chairman Lynch and committee members. Thank you for inviting me to appear before you this morning to discuss the challenges facing the United States Parole Commission and other federal agencies with respect to increasing public safety, reducing recidivism, and using alternatives to incarceration in the District of Columbia.

In 2007 the District of Columbia, with a population of just over 588,000 had a violent crime rate of 1347 crimes for every 100,000 members of its population. Certainly there were other similarly sized cities with worse crime rates but clearly we can do more to keep the District safe. The question before us today is what the Commission and its partner agencies, including the Bureau of Prisons and the Court Services and Offender Supervision Agency (CSOSA) can do to obtain better outcomes. It is important to understand, as I know you do, that the Commission's jurisdiction extends only to those individuals sentenced under the DC Code prior to 2000. Persons sentenced to prison later are subject to determinate sentencing and released after serving 85% of their sentence. Thus, the pool of individuals subject to discretionary release determinations by the Commission grows smaller each year.

Nonetheless, all persons released from prison following a prison sentence for a DC Code offense are ultimately subject to supervision in the community by the CSOSA. And if those individuals are accused of violating the conditions of their release, the decision whether to return them to prison rests with the Parole Commission. Each year, approximately 2500 persons are released from Federal Prison to return to the District under the supervision of CSOSA. Each of these individuals has a statistical likelihood of succeeding or failing upon release. The challenge is to improve the odds that they succeed, because when they do, when they become productive, law-abiding members of our communities we are all safer. There is and always will be risk involved in releasing persons who have committed crimes back to the community. Government is not good at managing risk. Indeed, government tends to be risk averse. Yet the only sure way to avoid risk is never to release anyone, and we know how foolish, inhumane and costly a strategy like that will be.<sup>1</sup> Therefore we need to carefully assess risk and understand what increases the chance of success, and then we need to build on that knowledge to improve the likelihood that a lawbreaker becomes a law abider.

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<sup>1</sup> A recent study found "if from 1990-2005, Michigan's annual average length of stay had been one year shorter, by 2005 Michigan would have had roughly 14,000 fewer prisoners, ...a corrections workforce with 4,700 fewer employees and annual expenditures of \$403 million less." *Denying parole at first eligibility: How much public safety does it actually buy?* Citizens Alliance on Prisons and Public Spending; Lansing, Michigan, August 2009, 9. The same study observed that Michigan's average length of stay was 16 months longer than the other Great Lakes States.

To succeed upon release from prison, there are three fundamental challenges a person must overcome. First, they must remain sober. Second they need a place to live; and third, they need a job. Without accomplishing these three tasks the chance a released person will succeed on parole is greatly diminished.

Addiction, to alcohol and other drugs, is a primary condition. By this I mean that without remaining sober a person is substantially less likely to successfully hold a job--and without a job is less likely to hold onto a safe, decent place to live. The National Center on Addiction and Substance Abuse says that drug and alcohol abuse and addiction are implicated in the incarceration of 80% of the 2 million men and women currently behind bars. This 80% represents those who violated drug or alcohol laws, were intoxicated at the time they committed their crimes, stole property to buy drugs, or are "regular drug users."<sup>2</sup> If we fail to deal with addiction to alcohol and other drugs while people are imprisoned and immediately upon their release, our efforts are unlikely to succeed.

To change the outcomes we must ensure that all our confinement facilities, from the local jail to the Federal Prison are drug and alcohol free. The Bureau has, and continues to monitor the intrusion of drugs into the institutional environment. Visitor searches, drug testing, drug scanning technologies, inmate searches when returning from furloughs, etc., are and have been used for this purpose.<sup>3</sup> I suspect they will tell you more can be done to keep drugs and alcohol out of the hands, and the mouths and arms, of those they confine. This will require resources and labor-management cooperation at every prison and jail. It requires searching, drug testing, integrity and investigative assets. If people can get high while incarcerated it makes the facility less secure and renders our efforts at rehabilitation meaningless. The presence of drugs and alcohol in prisons and jails undermines integrity and thereby reduces public safety.

But that is not the only problem. We can't just wait for a person to be released to address the chronic, recurring disease of the brain that is addiction, as former NIDA Director Alan Leshner described it.<sup>4</sup> In addition to enforced abstinence we must provide drug treatment while the offender is confined. That

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<sup>2</sup> The National Center on Addiction and Substance Abuse, Columbia University, "Behind Bars: Substance Abuse and America's Prison Population," January 1998.

<sup>3</sup> Email from Thomas Kane, Associate Director, Federal Bureau of Prisons, September 18, 2009.

<sup>4</sup> A. I. Leshner, "Science-Based Views of Drug Addiction and Its Treatment," *Journal of the American Medical Association* 282 (1999): 1314-1316.

means a program of assessment that evaluates the individual's history of addiction, determines the severity of the addiction and uses that information to determine the best course of action. Treatment may involve cognitive behavioral approaches, therapeutic community and twelve step programs. All should be in the arsenal to be used where appropriate and every offender while confined should be given meaningful addiction treatment and should emerge from prison sober. The Bureau treats more than 40,000 inmates a year in its evidence-based, cognitive behavioral treatment programs for inmates with drug abuse problems, inmates who are mentally ill and inmates with sexual deviant behaviors. The daily population of DC offenders participating in the Bureau's Residential Drug Abuse Program is 100.<sup>5</sup>

We need to give serious and meaningful consideration to the use of methadone maintenance or buprenorphine as treatment for chronic heroin addiction. In New York City we have been providing methadone maintenance inside our jails for years and the results are surprisingly good.<sup>6</sup> Using methadone in a population of more than 200,000 prisoners is vastly different than providing methadone in a jail setting. The Bureau provides methadone for inmates with medical problems who require a medical detox from opiates. However, the Bureau is exploring the use of pharmacological interventions in its reentry program.<sup>7</sup> These efforts should be encouraged.

Following the individual's release we must immediately begin a relapse prevention strategy-combining drug testing with treatment and support. Our responses to slips and relapses must be measured and consistent, as we know that recovery does not follow a straight path.

As I understand the current state of affairs in the District, CSOSA has access to about \$15 million to obtain drug treatment for its 16,000-person caseload, which includes probationers as well as prison releases and parolees. This enables the agency to meet the need for detox, residential, and outpatient treatment of only 25% of its caseload with an identified substance abuse treatment need. To obtain better outcomes, the District must be able to address the unmet need for treatment among people released from Federal Prisons.

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<sup>5</sup> Email from Thomas Kane, op. cit.

<sup>6</sup> "Methadone Maintenance versus 180-day Psychosocially-Enriched Detoxification for Treatment of Opioid Dependence: A Randomized, Controlled Trial," *The Journal of the American Medical Association* (JAMA.2000; 283:1303-1310). "The Consumers Union Report on Licit and Illicit Drugs," Edward M. Brecher and the Editors of Consumer Reports Magazine, 1972. <http://www.druglibrary.org/Schaffer/Library/studies/cu/CU15.html> (as of Sept. 15, 2009)

<sup>7</sup> Email from Thomas Kane, op. cit.

The next challenge to be faced is employment. If a released offender cannot sustain him or herself in a legitimate job the choices are to obtain public assistance or to engage in the underground economy, which often means crime. To improve public safety we must help persons released from prison to find work. Even in this economy we can do better and we know how. While confined, prisoners must have the opportunity to learn how to work. Working, in any endeavor requires a basic set of skills. It requires we take pride in our work, work cooperatively with co-workers, accept helpful criticism and learn from supervision, be responsible and reliable. These are skills that can be learned in prison. But to accomplish that, prisons must have work opportunities and vocational education opportunities to offer. That is why recent congressional efforts to shrink the Unicor program in the BOP are misguided. The more work opportunities that exist in the Bureau's prisons, the more opportunities there will be for DC Code violators to learn skills and work habits.

It is reported that 4 out of 10 persons returning to the District from prison lack a high school diploma. In today's economy the lack of a high school education makes finding work even more difficult than it otherwise is for a returning prisoner. This is especially true in the District where as many as 80% of recently unemployed benefit filers who are seeking to re-enter the workforce do possess a high school diploma. Increasing educational opportunities in prison for DC code violators, including mandatory participation by non high school graduates in adult education as a prerequisite to access to other desirable prison activities, will enhance the chances a prisoner released to the District can find work, and will increase public safety. This will undoubtedly require that Congress support increased appropriations to the BOP to expand their educational capacity.

The Bureau has developed a comprehensive Inmate Skills Development program to track inmate's skills/treatment needs - from the time they enter the Bureau - through their transfer to a Residential Reentry Center or directly to the community - so that each inmate's needs may be addressed. This includes, but is not limited to, housing, education, job skills, vocational skills, Social Security, SSI, SSD, continued treatment, etc. Additionally, each inmate leaves the Bureau with a comprehensive release plan that addresses what skills/treatment have been addressed to the inmate while in Bureau custody.<sup>8</sup>

Upon release from prison people need to be ready to work. In today's world that means they must have the documents to prove citizenship or legal permission to work as an alien entrant, and registration with the social security system. In other words they need proof of citizenship, a green card and a social security card. Although the CSOSA has memoranda of understanding with some of the issuing agencies including the department of motor vehicle, it is unconscionable that after years of confinement a person is released from prison without the documents needed to join the workforce. It should be a

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<sup>8</sup> Email from Thomas Kane, op. cit.

performance goal of the BOP that no inmate confined longer than one-year return to their community without a birth certificate or other proof of citizenship or legal entry and permission to work and with their social security card. This is being accomplished elsewhere and the federal government should surely be able to accomplish this task at minimal cost.

Although CSOSA has what it refers to as Vocational Opportunity Training Education and Employment Unit (VOTEE) they primarily engage in assessment and remedial training to enhance work readiness. The CSOSA relies on referrals to non-governmental employment agencies to assist with employment placement. This is insufficient to the need. In a recent Brookings Institution paper, it was observed, “Roughly one half to three quarters of released prisoners are out of work in their first six months after release.”<sup>9</sup> A recent study has documented the importance of employment in reducing re-offending.<sup>10</sup> A study of the COMALERT program run by District Attorney Charles J. Hynes in Brooklyn found that COMALERT graduates “show substantially lower rates of recidivism, higher rates of employment, and higher earnings compared to similar Brooklyn parolees.”<sup>11</sup>

Civic Justice Corps programs that are underway in fourteen sites around the country are showing promising results in reducing recidivism. In the Justice Corps model, “formerly incarcerated and court-involved youth reconnect with their community and find pathways to success through service. Service is the center of a model that includes formal working partnerships with justice agencies, employers, and other community agencies; individual case management and intensive services; life skills development, education, and employment preparation—and meaningful service projects.”<sup>12</sup> Outcomes reported to date include recidivism rates more than 20% below the prevailing averages.<sup>13</sup> If government is serious about enhancing public safety it must invest in better ways to help released prisoners find work. Opportunities for transitional employment and subsidized employment must be provided to persons subject to supervision of CSOSA.

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<sup>9</sup> Bruce Western, *From Prison to Work: A Proposal for a National Prisoner Reentry Program*, Washington, DC: The Brookings Institution, [http://www.brookings.edu/events/2008/~media/Files/rc/papers/2008/12\\_prison\\_to\\_work\\_western/12\\_prison\\_to\\_work\\_summary.pdf](http://www.brookings.edu/events/2008/~media/Files/rc/papers/2008/12_prison_to_work_western/12_prison_to_work_summary.pdf) (as of September 16, 2009).

<sup>10</sup> Bruce Western and Erin Jacobs, Report on the Evaluation of the COMALERT Prisoner Reentry, [www.wjh.harvard.edu/soc/faculty/western/pdfs/report\\_1009071.pdf](http://www.wjh.harvard.edu/soc/faculty/western/pdfs/report_1009071.pdf) (as of September 16, 2009).

<sup>11</sup> *Ibid*, 64.

<sup>12</sup> *The Corps Network*, The Corps Network: Washington, DC, [http://www.corpsnetwork.org/index.php?option=com\\_content&view=article&id=59&Itemid=77](http://www.corpsnetwork.org/index.php?option=com_content&view=article&id=59&Itemid=77), (as of September 16, 2009)

<sup>13</sup> *Ibid*.

The distance from home of the prisons in which DC Code violators are held makes the search for housing, as well as the search for employment and drug treatment difficult. Despite the best efforts of CSOSA which fields three teams of workers to assist soon to be released prisoners with reentry beginning six months before their release, this is a nearly impossible task. In Washington, as in New York we face a crisis of affordable housing. If we are serious about releasing people from prison in a rational way that promotes their success and improves public safety we need to make greater use of transitional housing and halfway houses to effectuate a prisoner's reentry. The District has only three Residential Reentry Centers (Hope Village, Fairview, and Efforts from Ex-Convicts [EFEC]) and more are needed. The RRC provides housing assistance, employment Assistance and skill building groups, while monitoring behaviors and compliance with any required treatment, job attendance, and possible criminal behaviors. This prepares inmates for independent living as pro-social members of the community. For the last 18 years, the Bureau has operated a community transition treatment program that provides continued treatment for inmates who receive treatment in the institution. Today, these treatment services include a continuum of treatment for Sex Offenders, Drug Abusers and Mentally Ill inmates who reside in Bureau Rocs, through community-based treatment providers.<sup>14</sup>

Despite the efforts of the BOP, the resistance of local communities to siting additional halfway houses has prevented more from opening. To help communities understand that persons returning from prison are our neighbors and our neighbors' children, and that halfway houses and transitional housing help to improve public safety will require political will to address this "Not in my backyard" attitude.

In New York City, for several years we have been operating a highly successful reentry supportive housing program called FUSE. We found a tremendous overlap between homelessness, shelter use, jail and mental illness. Roughly 10% of our jail population had been in shelter and jail at least 4 times each over the preceding 5 years. They were using precious public resources disproportionately. To address this we created FUSE (Frequent User Service Enhancement) which combines transitional housing, intensive case management services and supportive housing using Section 8 rent subsidies to test the hypothesis of "housing first." By this we mean, if we find housing for the released person, assist them with other needs through intensive case management, recidivism and demand for shelter will go down. Research has documented that FUSE participants spend fewer arrests, fewer days in jail, and fewer days in shelter.<sup>15</sup> The link between housing and post release success is, I believe, well documented and CSOSA should be provided with the resources to access housing on behalf of its clients. As well, federal and local rules that create barriers to housing, including prohibitions on residence in public housing and

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<sup>14</sup> Email from Thomas Kane, op. cit.

<sup>15</sup> City of New York Department of Correction and Department of Homeless Services and Corporation for Supportive Housing, *The NYC Frequent Users of Jail & Shelter Initiative Overview Shared Populations, Shared Responsibility*; Hot Topics in Supportive Housing Audio Conference Thursday, October 18, 2007. Also, Richard Cho, *Supportive Housing is Healthcare*, paper presented November 8, 2007 at Grantmakers in Health Forum, Housing: Home, Safe Home, [http://www.gih.org/usr\\_doc/Housing\\_-\\_Richard\\_Cho.pdf](http://www.gih.org/usr_doc/Housing_-_Richard_Cho.pdf) (as of September 16, 2009).

eligibility for Section 8 vouchers must be reevaluated. The Anti-Drug Abuse Act of 1988 disallows persons with drug crimes from receiving public housing. This is antithetical to the needs of inmates reentering the community.

Compared to other agencies engaged in similar work nationally, I believe CSOSA is well organized and relatively well funded. But keep this in mind, even as well funded as it is, its staff are responsible for caseloads of 50:1. If a worker is paid to work 40 hours a week, that leaves less than an hour a week for each client. And those caseloads of 50 include a mix of high risk and low risk offenders, probation, parole, and supervised release offenders, as well as persons confined awaiting disposition of new charges or be sought under an executable warrant. The work each case demands does not divide itself into neat one hour blocks and several hours spent on a complex case only serves to diminish the time available to address the needs, and the public safety risk imposed by others. CSOSA should look at the evidence in the research literature that suggests low risk cases are best left alone. In New York, we were able to place nearly 75% of our low risk cases on Kiosks, similar to ATM machines to handle the routine recording of their coming; going thereby freeing up staff to concentrate on the most dangerous high risk cases. The results have been surprisingly good. We have reduced recidivism among probationers in New York City faster than anywhere else in New York State.<sup>16</sup>

CSOSA has a good case management system and a robust research and evaluation component. It is important that capacity be continued and built upon. I believe, “if you can’t measure it, you can’t manage it.” To produce better results we should be able to say, of all the arrests in the District, how many of them were arrests of released DC Code violators paroled by the USPC and supervised by the CSOSA? What percentage of the persons released by the USPC back to the District is arrest free after one year in the community? Two years? And of those who are arrested, how many found a place to live within 30 days of release? How many were using drugs? What percentage of persons released to the District by the Parole Commission are drug free 90 days post release, at 6 months, one year, and so on? We must have the data and ask those difficult questions if we are to learn what the correlates of success are and calibrate our response in order to change the odds that persons released by the USPC back to the District are more likely to become productive, law abiding citizens than not. By using data and serious commitment to supporting what works we can improve public safety and reduce offender recidivism.

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<sup>16</sup> *Statewide Recidivism Data Reported by County as of January 2007 (revised)*, Albany, NY: State of New York, Division of Probation and Correctional Alternatives, January 2007. Also, James A. Wilson, Wendy Naro and James F. Austin, *Innovations in Probation: Assessing New York City’s Automated Reporting System*. Washington, DC: JFA Associates, July 2007.



**Martin F. Horn** is Distinguished Lecturer in the Department of Law and Police Science at John Jay College. He was appointed by Mayor Michael Bloomberg to serve as Commissioner of the New York City Department of Probation, effective Jan. 1, 2002. A year later Mayor Bloomberg appointed him to simultaneously serve as Commissioner of the New York City Department of Correction and he held both positions simultaneously until coming to John Jay in September 2009.

As Probation Commissioner Horn focused on high-risk offenders, improving the delivery of treatment for addiction to alcohol and other drugs, employment of offenders, the Department's IT capacity, and streamlining the probation violation process. As a result of his efforts recidivism among adult probationers dropped faster than in any other jurisdiction in New York State. Under Horn's leadership New York City changed its approach to status offenders, reducing by 70% the number of PINS (Person in Need of Supervision) petitions going to the Family Court. His "Project Zero" effort led to major changes in the City's approach to juvenile delinquents, paving the way for a 70% reduction in the City's placement of juvenile delinquents and a tripling of the number of alleged delinquents diverted following arrest.

As Correction Commissioner Horn rebuilt morale, accountability and integrity following a series of highly publicized scandals. He reduced suicides and cut jail violence in half. Horn created the largest and most ambitious jail reentry program in the nation. Under his leadership sentenced inmates leaving the City's jails are afforded meaningful discharge planning assistance and the opportunity to find a job immediately upon release. He reengineered the intake process to insure all inmates possess the documents needed to work upon release; he created systems to identify high frequency jail and shelter users and worked with the City's housing and homeless services community to address the needs for housing of discharged inmates. Horn has effectively reduced the introduction of drugs into prisons and jails by initiating New York's first drug interdiction program including the first wide scale drug testing in the City's jails.

Prior to his return to his home state of New York he served as a member of Governor Tom Ridge's Senior Staff as Secretary of Administration for the state of Pennsylvania. He also chaired the state's Tobacco Settlement Investment Board, the Pennsylvania Employees' Benefit Trust Fund, the ImaginePA Executive Committee (Enterprise Resource Management), and the JNET Council (Justice Network), and was a board member of the Public School Employees' Retirement System.

Horn served, from March 1995 until January 2000, as Pennsylvania's Secretary of Corrections. During his tenure staff and inmate safety and health care improved, three long-standing consent decrees were dissolved, and classification and information systems were modernized. He created an innovative addiction treatment program that for the first time provided funding for post release treatment of released offenders.

Horn earlier served as executive director and chief operating officer for the New York State Division of Parole, and held a variety of positions within the Department of Correctional Services. He was an assistant professor of criminal justice at the State University College in Utica, New York from 1975 to 1977. He began his career as a New York State Parole Officer in 1969.

Horn earned a bachelor's degree in government from Franklin and Marshall College in Lancaster, Pennsylvania in 1969, and a master's degree in criminal justice from John Jay College, City University of New York, in 1974. Horn co-chairs the Corrections Committee of the American Bar Association and has chaired the Policy and Resolutions Committee of the American Correctional Association as well as the Association of State Correctional Administrators.