

# REENTRY POLICY COUNCIL

## FINAL REPORT

DECEMBER 2008

## Council Members

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The Reentry Policy Council is created by House Bill 2101 for the purpose of providing oversight of the reentry policies and programs operated by the Department of Corrections. The Legislation requires the Council to:

1. Review corrections policies, programs and procedures to ensure that the primary purpose of each is public safety during imprisonment and after release;
2. Identify gaps in reentry programs and services as well as overlapping efforts, and recommend changes to address those issues;
3. Review policies to ensure that corrections facilities recruit and welcome volunteers;
4. Review the licensing procedures within this state to eliminate barriers to employment that are unrelated to the conduct underlying the conviction; and
5. Report annually to the Legislature and the Governor on the progress of the reentry initiative, including the impact on recidivism, effectiveness of agency coordination and communications, and the implementation of reentry plans and use of funding.

This report shall examine each of the directives and provide information on the Council's efforts to accomplish these tasks.

The Council met a total of eight times during 2008 to hear discussion from interested parties concerning the efforts of state agencies, faith-based organizations and other groups and individuals who play an important role in the reintegration of offenders to life outside of prison.

1. Review corrections policies, programs and procedures to ensure that the primary purpose of each is public safety during imprisonment and after release.

The Council heard several presentations from the Oklahoma Department of Corrections regarding their policies, programs and procedures that are used to successfully reintegrate offenders. The Department of Corrections provides intake services that identify offender's social and educational needs and uses this information to develop an operational plan to assist the offender. Educational services such as general equivalency degrees and vocational training are made available to offenders. Prior to release from prison, the Department also assists the offender with obtaining an identification card or driver license. The Department attempts to take full advantage of the services and programs available from faith-based organizations and other groups who provide services to ex-offenders.

The Council did not have the opportunity to review the Department of Correction's post release policies, program, or procedures with regard to parole supervision. Therefore, the Council is unable to make recommendations as to the public safety concerns that may or may not be present.

2. Identify gaps in reentry programs and services as well as overlapping efforts, and recommend changes to address those issues.

The Council heard from many faith-based organizations that provide services to reintegrating offenders. Most of these groups provide job placement, housing, educational and counseling services for the released offender. Many of the individuals being released from prison are recovering from addiction and are in need of services to prevent relapse. The coordination between the Department of Corrections and the Department of Mental Health and Substance Abuse Services to provide these services has been greatly increased in recent years by placing Department of Mental Health workers within the prison in some locations. This program is seeing success at providing reintegrating offenders with services and should be enhanced.

Department of Correction reentry programs should provide crime victim awareness education to assist offenders in understanding the impact of their behaviors on victims, communities, and their own families.

The following is a list of obstacles reintegrating offenders and service providers have experienced:

#### A. Basic Life Issues

1. Lack of positive, pro-social communities. Many family members and friends are practicing addicts or otherwise involved in criminal lifestyles
2. Lack of money. Most prisoners and their families are economically poor. Many Oklahoma prisoners are released with \$50 and a bus ticket, with no job, no transportation and no place to live. The average prisoner leaves with \$300.
3. Attitude and complacency. The penal system sends a message of rejection and judgment. A good prisoner waits for instructions to follow and minds. Independent thinking and initiative, traits often valued by employers, are not

encouraged in a penal setting. Internally, many prisoners believe they have been judged to be of little value and worth. Hope and perseverance are major challenges with that mindset.

4. Identification. Although DOC and Career Tech efforts have reduced the frequency of this problem, some prisoners are still released without government identification. If the prisoner has a birth certificate from a state other than Oklahoma, it often takes 90 days to complete the identification process. No identification, no job.
5. Voting laws are confusing. For those on parole the franchise may never be returned if the sentence is long. The message is that the debt to society is not paid with time served.

## B. Housing

1. Many landlords require damage deposits and a 6 month rental history
2. For some offenders public housing is not available, by law. In other cases it is denied by policy.
3. For others a long waiting list must be endured.
4. If there are unpaid utility bills in the past, public housing is not available until they are paid.
5. H.B. 1944 has made it all but impossible to provide independent transitional living facilities for re-entering prisoners. It requires that such facilities be 2500 feet from a residential neighborhood or a school.
6. Some families will not provide housing for their re-entering family members.
7. Sex offender restrictions make finding housing a nearly insurmountable problem in most venues and may create additional public safety issues.

## C. Employment

1. It is difficult to obtain an expungement in Oklahoma. Therefore felony convictions are always an employment obstacle.
2. By statute, many occupations are simply unavailable to ex-offenders.
3. Lack of education and lack of training are also obstacles.
4. Menial and dead-end jobs are easy to obtain. Rising above subsistence is the challenge.

## D. Transportation

1. Public transportation is only available in a few Oklahoma venues. The largest ones, Oklahoma City and Tulsa, are too limited to be of much value in obtaining or retaining employment. Even accessing governmental services is difficult and excessively time-consuming.
2. For those who can buy cars, the vehicles tend to be high credit, unreliable, and subject to repossession quickly should finances fail.
3. Many offenders must get a drug/alcohol assessment and graduate from DUI school before a driver license suspension can be lifted. These requirements

must be paid for in advance, by law. Most prisoners have neither the funds nor the access to these services while incarcerated.

4. Hardship restricted licenses, to and from work, worship, medical emergencies are difficult, if not impossible to obtain.
5. Unsatisfied warrants, traffic and otherwise, even from out-of-state municipal courts prevent lifting of suspended licenses.
6. For many, the financial survival means driving in violation of the law which further endangers public safety.

#### E. Financial and Family Issues

1. Child support obligations continue to accrue during imprisonment. For many, this means the first paycheck is garnished along with bank account balances and tax refunds.
2. Court costs, fines, and restitution await most ex-offenders. The average court cost alone is substantial.
3. There are generally old civil judgments that can result in garnishment.
4. Parolees must pay \$40/month supervision fees.
5. Child visitation and custody are challenging procedures for ex-prisoners acting without professional assistance.
6. Services for addiction treatment, mental health and medical health services are often difficult or expensive to access and frequently necessary.
7. Understanding where to obtain various forms of government assistance and finding necessary transportation is challenging.
8. Parenting children scarred by the parental incarceration is a formidable task. Incarcerated parents have not made good decisions, have not provided for their own life needs and have difficulty adjusting to their parental role.
9. Many female offenders simply move in with sociopathic males upon release. This reality is both a gender need and a perceived survival option.
10. Men are equally prone to “hook-up” with a woman into a relationship that becomes destructive and volatile.

Housing is often a major concern for the reintegrating offender. The offender does not have money for rental deposits or utilities. If the offender is fortunate enough to have a family home to which to return, the offender may have to face the same types of distractions and temptations that led to their imprisonment. Transitional living facilities have shown promise in providing former offenders with stability until the person can earn enough money for housing. Unfortunately, restrictions placed on the location of transitional living facilities have made it nearly impossible to increase their availability. The additional use of half-way houses would have a positive impact on the ability of the reentering offender to save money for housing needs.

Federal initiatives are influencing policy makers regarding the reintegration of offenders. The Department of Mental Health and Substance Abuse Services is seeking funding from the federal Smart on Crime Initiative for use in assisting offenders in reentry. The Department is seeking \$1.2 million

for intensive care teams and discharge specialists, \$1.5 million for housing for reintegrating offenders and \$1 million to establish 2 PACT teams for felony offenders.

3. Review policies to ensure that corrections facilities recruit and welcome volunteers.

The Oklahoma Department of Corrections is committed to a positive partnership between the agency and its volunteers. This partnership is an essential part of achieving the department's mission. Volunteer involvement provides additional resources, enhances inmate programs & services, plays an important role in reentry efforts and creates opportunities for a greater public understanding of the challenges of corrections.

The desired state for Volunteer Services is to ensure a well-trained, diverse volunteer workforce whose services are respected and appreciated, and with the support of staff, result in a benefit to the agency by saving dollars; providing a pool of potential employees; increasing offender pro-social behavior while incarcerated and upon reentry; maintaining family connections; supporting at risk children of offenders and reducing recidivism.

Volunteers perform in many areas of agency operation where needs are identified, the volunteer is trained, certified or licensed to perform the duty, and the necessary accountability and resources are available. The success of volunteer involvement depends directly upon the agency's willingness to integrate volunteers into its operations, the removal of barriers to involvement, effective management and recognition of services provided.

Volunteers complete volunteer training to learn the rules of conduct of employees and volunteers prior to any assignments. The training covers the history of the agency; agency policies and procedures; an overview of volunteer services; safety issues and a review of the needs, attitudes, and life-styles of the offender population.

Volunteer services would be greatly enhanced if the Department of Corrections dedicated additional staff to processing volunteer applications and arranging volunteer training.

4. Review the licensing procedures within this state to eliminate barriers to employment that are unrelated to the conduct underlying the conviction.

The Council heard testimony from several groups regarding the ability of offenders to obtain occupational licensing. Most of the statutes regulating occupational licensing make some mention of the consideration of felony convictions of persons applying for a particular occupational license. However, in very few instances is a felony conviction an automatic bar to the license. It would appear that the most common barrier felons face in obtaining an occupational license is the pervasive negative connotation a felony conviction provides.

5. Report annually to the Legislature and the Governor on the progress of the reentry initiative, including the impact on recidivism, effectiveness of agency coordination and communications, and the implementation of reentry plans and use of funding.

The progress of the reentry initiative appears to be progressing smoothly. The Department has developed a web-based resource guide for former offenders to assist with reentry. The website represents collaboration between the Oklahoma Department of Corrections, Oklahoma Department of Career and Technology Education, City of Oklahoma City, Governor's Office, Oklahoma Department of Mental Health and Substance Abuse Services, Oklahoma Department of Commerce, Oklahoma Department of Human Services, Oklahoma Office of Juvenile Affairs, Oklahoma Department of Public Safety, Oklahoma District Attorney's Council, Oklahoma Pardon and Parole Board, Criminal Justice and Mercy Ministries, United States Department of Justice, Oklahoma City Office of Weed and Seed, Oklahoma Housing Finance Agency and local service providers to create a seamless transition for offenders from incarceration to the community. Through the hard work of state reentry partnerships over several years, relationships have developed to bring together both faith-based and community based agencies to address the reentry needs of Oklahoma's offenders.

Reentry initiatives conducted in Oklahoma should be continually reviewed to gauge the impact of reentry programs offered by the various state agencies and faith-based organizations.

The Oklahoma recidivism rate is around 28.7%. This figure is attached to a time period of three years from release from incarceration to return to Department of Corrections custody. For the same time period the re-arrest rate is 66.7%, nationally. Over a five year period from date of release to date of return to incarceration the same group showed recidivism at 38.7%. (*Prisoner Reentry Initiative: Educational Forum The Problem as Evidenced by the Statistics*. April 23, 2008, by Christopher M. Hill, Ph.D., Oklahoma Criminal Justice Resource Center. However, when the same group was examined at the date of May 31, 1994, the recidivism rate is 48.1%. Over the long haul, in other words, recidivism remains an issue. (source: WHO RETURNS TO PRISON? A SURVIVAL STUDY ANALYSIS OF RECIDIVISM AMONG ADULT OFFENDERS RELEASED IN OKLAHOMA, 1985-2004, by Andrew L. Spivak and Kelly R. Damphouse, University of Oklahoma, JUSTICE RESEARCH AND POLICY, VOL. 8, No. 2, 2006.) It is difficult to determine the correlation between reentry initiatives and recidivism rates due to the lack of effective data. A long-term examination of the impact would be appropriate.

There is no data that has calculated the effect of our state's reentry programs on recidivism. Nor is there data to compare how Oklahoma's recidivism rate compares to the rest of the nation. To give a more accurate picture of how Oklahoma's recidivism rate correlates with reentry, the Council would need to study this further.

Recommendations:

The Reentry Policy Council recommends the Office of Faith-based and Community Initiatives use \$50k of available monies to hire an employee to work with reintegrating offenders in accordance with HB 2101.

The Reentry Policy Council endorses the Reintegration portion of DMHSAS Smart on Crime Initiative.

The Reentry Policy Council endorses Career Tech's reintegration provisions seeking a return to FY 2002 funding levels for offender programs.

The Reentry Policy Council endorses DOC's continued use of reentry programs and supports DOC's effort to seek additional funds from the Legislature in this endeavor.

The Reentry Policy Council recommends that a coordinated and centralized offender resource be created.

The Reentry Policy Council recommends that the Council be reauthorized to perform a multi-year analysis of the reentry initiatives in Oklahoma.