

MEMORANDUM

TO: The Honorable Harvey Bartle, III
Chief Judge

The Honorable Anita B. Brody
Chair, Criminal Business Committee

FROM: The Honorable Timothy R. Rice
U.S. Magistrate Judge

The Honorable L. Felipe Restrepo
U.S. Magistrate Judge

DATE: August 3, 2010

RE: **Annual Report - Reentry Court Program**

We are pleased to report the ongoing success of the Reentry Court Program, also known as the Supervision to Aid Re-entry ("STAR") program, as it begins its fourth year. This memorandum is submitted for review by the Board of Judges, and outlines the progress of the program since its inception in September, 2007. A copy has been delivered to all District Court judges.

Highlights include the following:

- * The program has 45 graduates; only five (11%) have had supervision revoked based on new criminal activity after completing the 52-week program;
- * 102 ex-offenders with a significant risk of violent crime recidivism have either graduated or are currently participating; an additional 15 left the program without completing it for reasons unrelated to revocation.¹ Only 21 participants (20%) have

¹ For example, some participants moved from the Philadelphia area or obtained employment that precluded regular attendance at reentry court sessions.

had, or will likely have, supervision revoked based on new criminal activity or other serious violations.² The revocation percentage has remained between 11% and 20% for the first three years of the program's existence.

- * We have continued our partnership with the Philadelphia Bar Association and local law schools, which provide participants with free legal assistance for issues such as credit repair, traffic court, license restoration, child custody, and business development assistance.
- * Our program has served as a model for districts throughout the country, and our reentry team has been featured at the Federal Judicial Center's Reentry Conference at Duke University and at the national Magistrate Judges conference in San Francisco, CA.
- * We launched a successful credit restoration project, led by Chief Judge McKee's former law clerk, Karuna Patel, a consumer affairs attorney. This effort enabled dozens of participants to correct errors and deficiencies in their credit history, and will be replicated in the District of New Jersey when Rutgers-Camden Law School launches its federal prisoner reentry project this fall.
- * In April, 2010, the Temple University Criminal Justice Department completed the first phase of its independent assessment of the program with a 92-page report on the qualitative aspects of the program titled: An Investigation of Key Components of the STAR Program: Overcoming Obstacles to Ex-Offender Reentry Through Unique Judicial Roles, Sanctions & Rewards, Partnerships with Social Service Providers and Enhanced Social Capital.³ The report featured the following findings:
 1. Reentry judges successfully balance conflicting roles and play an important role in the program, especially by employing motivational interviewing techniques;⁴
 2. The reentry team's collaborative decision-making in imposing sanctions and rewards is a key component;

² One of the 15 was murdered while engaged in possible drug activity and is counted as a revocation.

³ A copy of the report will be provided to any judge interested in reviewing it.

⁴ Motivational interviewing is defined as a "directive, client-centered counseling style for eliciting behavior change by helping clients to explore and resolve ambivalence." See Temple Report at 12.

3. Social Services were an integral component of the reentry court, including employment training, mentoring, legal assistance, and education; and
4. Reentry court helps ex-offenders build social capital by encouraging family involvement and relationships among the program participants.

The revocation rate is well below the Probation Department's revocation rate for other ex-offenders with the same risk of recidivism. For example, over a five-year period from 2003-2008, the revocation rate for the same category of high-risk ex-offenders was 47.4% – more than twice as high as our 20% rate.⁵ The author of the Temple study, Caitlin Taylor, M.A., also is studying the long-term quantitative impact of the program by comparing our results with a control group of similarly situated ex-offenders who are not in the reentry program. The results of that study, involving 60 participants in the program's first 18 months, is nearing completion.

In addition, the program has generated substantial cost savings for the taxpayers. Based on the 2010 annual rate of \$27,251 for incarcerating a person in federal prison, \$3,807 for supervised release, and \$24,758 for halfway house confinement, the program has saved approximately \$840,000 in 2010. This figure is based on the annual cost of incarcerating 34 additional participants using the 47.4% revocation rate for offenders of the same risk level who are not in the program, with deductions for the cost of sanctions, such as confinement in the halfway house. Substantial intangible sociological benefits also are realized by having participants employed and engaged in other positive aspects of community life, such as mentoring, volunteering, and parenting.

Statistical measures aside, the reentry team agrees that the program has assisted dozens of ex-offenders in various ways and helped them return as productive members of our community. The program also has heightened community awareness of issues faced by ex-offenders and the need to give them support upon release from prison. Moreover, the program has helped enhance the existing positive working relationships among the judiciary, the U.S. Attorney's Office, the criminal defense bar, the legal community, the Bureau of Prisons, and the Probation Office.

⁵ The overall success of the program, of course, can be measured only after the participants maintain their progress over a longer term, such as three years. Nevertheless, the Probation Office and other studies have recognized that the first year of reentry is the most critical to ensuring a long-term successful return to the community.

I. Background

In 2007, the Board of Judges authorized a reentry program focusing on individuals in the City of Philadelphia with a significant risk for recidivism for violent crime. The Probation Department identifies pre-release offenders with a Risk Prediction Index of 5, 6, or 7 (on a 0 to 9 scale) and seeks their consent to participate in the program. Participants have a significant criminal background, need employment training/assistance, or are likely to benefit from the program's resources in some other way.

The program has myriad objectives, including preventing recidivism, reducing the high rate of violent crime in the City of Philadelphia, and assisting high-risk ex-offenders with the plethora of social, family, and logistical issues confronting their return to society after years in prison. Intensive judicial oversight supplements the Probation Office's supervisory regime, with ongoing input from the Federal Public Defender and the U.S. Attorney.

Each court session handles approximately 26 participants, who attend bimonthly court sessions monitored by U.S. Marshals and recorded by a court reporter. Representatives of the U.S. Attorney's Office, the Public Defender's Office, the Probation Office, the Department of Justice Reentry Coordinator, and judges meet for about 90 minutes before each court session to discuss each participant's progress and develop plans to help the participants succeed.⁶

Along with bimonthly meetings with a magistrate judge in open court for 52 weeks, the most unique aspect of the program is the group dynamic. All participants attend court as a group and are required individually to discuss their accomplishments and identify any obstacles they are encountering in the reentry process. This dialogue leads to the establishment of goals for the participant to achieve before the next court session. If the participant is not complying with the goals of the program or is violating the terms of release, graduated sanctions are imposed and explained to the entire group. Sanctions are employed to foster positive changes in behavior and thereby avoid revocation proceedings.

Before participants address the court, a guest speaker often addresses the group for about 10 or 15 minutes on an issue of interest to the participants. Topics have included: education, career/employment counseling, health insurance, and motivational topics.

⁶ Participating prosecutors are Jason Bologna, Jennifer Williams, and Karen Klotz. Participating defense counsel are Rossman Thompson and Dina Chavar. The assigned Probation Officers are George Reid, Robert Henderson, supervisory officer Matt MacAvoy, and administrative assistant Dee Delany.

II. Assessment of the Program

1. The various partners in the reentry working group continue to serve as a model of cooperation. The process has worked flawlessly and has become a national model. The working group considers a wide range of issues, from program policy to potential sanctions, and has uniformly achieved consensus on all issues. This cooperative spirit has been the hallmark of the Reentry Program since its planning stages in 2006 and is a prime reason for its success. Observers from visiting districts consistently note the positive relationships within the working group.

2. Support from the Philadelphia Bar Association and local law schools has been extraordinary. Reentry participants benefit from free legal assistance for issues such as housing, business establishment, credit repair, child custody, licensing, and traffic violations. Such tangible assistance enhances the program's credibility with the participants and helps remove impediments to employment. When a participant identifies the need for legal assistance in court, students from local law schools conduct an intake interview to establish eligibility for pro bono legal assistance. The Bar Association's Volunteers for the Indigent Program (VIP) then recruits attorney volunteers to handle the matter.⁷

3. Although most participants in the reentry program are employed, quality employment remains a major issue for most participants. In response to this issue, Probation Chief Dan Blahusch secured funding for a dedicated employment center for ex-offenders using the Career Builder website. Chief Blahusch has enlisted several potential employers, who will hire ex-offenders, to accept applications on the website. Moreover, we continue to explore solutions to the employment problem by working with Career Link, a government funded employment assistance center. We also have seen many participants develop full-time meaningful employment by first working for temporary agencies, which allowed them to build an employment history and develop a strong work ethic.

4. All reentry participants either have a high school degree, are obtaining a GED, are attending college classes and vocational training, or are employed full-time. Officials of Philadelphia Community College continue to assist participants with college applications and financial aid. College officials have visited the reentry program several times, and several reentry participants are availing themselves of the opportunity to obtain advanced degrees or vocational training.

5. We successfully partnered with a non-profit computer training program to train any participants interested in computer literacy. Chief Blahusch has dedicated funding to this project

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Participating law schools are Rutgers-Camden, Temple, Drexel, and Villanova.

and the participant feedback has been uniformly positive.

6. We continue to develop a mentoring program to assist certain participants with life choices and counseling. The few participants who have requested mentors report positive experiences. Since 2009, the Archdiocese of Philadelphia prison ministry program has been our best source of mentors.⁸ Earlier efforts with other religious denominations failed for various reasons, including a request that we pay a fee for receiving mentors. Moreover, using local attorneys as mentors had limited success, primarily due to the time restrictions faced by practicing attorneys.

7. Sanctions have been graduated and highly successful. One of the program's strengths is the reentry judge's ability to impose swift sanctions for any deviation from the conditions of supervised release, or to encourage positive reentry behavior. The working group has strived for consistency and predictability in sanctions to ensure the participants are treated fairly. Sanctions have included: the loss of weekly credit toward completion of the program; curfews; home confinement; placement in a halfway house; and brief periods of imprisonment. A sanction of imprisonment, however, has been imposed only after other sanctions have failed, or in combination with the need to arrest a participant for failing to appear for court sessions or while awaiting placement in an in-patient drug treatment program. Some participants also have benefitted from in-patient or out-patient drug/alcohol treatment. Community service is not employed as a sanction; rather, it is used to provide opportunities for participants having difficulty securing employment.

8. Nearly all participants are actively engaged and supportive of each other. The group dynamic has proven to be a powerful tool in fostering positive behavior among participants.

9. Congressional recognition of the program has been positive. This year, Chief Judge Bartle testified before a subcommittee of the Senate Judiciary Committee about our program's success. This prompted Senators Cardin and Specter to recommend to the Judicial Conference that our program be replicated in every judicial district in the country. We received dozens of inquiries from other districts and continue to host numerous visits from observers.⁹

10. The Bureau of Prisons continues to support the program and has pledged to develop programs to begin the reentry process before inmates leave federal custody. Recently, DOJ

⁸ Interestingly, the relationship with the Archdiocese was arranged by a Deputy U.S. Marshal, who was assigned to the courtroom during a reentry session in 2009 and then contacted a priest serving in prison ministry.

⁹ The concept of reentry has some detractors. At least some members of the Judicial Conference's Criminal Law Committee are skeptical of specialized courts. Nevertheless, the Hon. Anthony J. Scirica, our former chief circuit judge and former chair of the Judicial Conference, advised the Senate that the Federal Judicial Center has launched studies of all specialized courts throughout the country, including our reentry program.

Reentry Coordinator Maureen Barden visited FCI Allenwood and briefed regional prison officials on our efforts. In addition, when participants are sanctioned to halfway house time, the Bureau of Prisons has been responsive and flexible about modifying conditions upon requests. The Bureau's cooperation on this, and other fronts, is essential to the program's smooth operation.

III. Conclusion

The Probation Office continues to devote significant resources to this initiative and its support is critical to the program's success. The Justice Department and the defense bar are unified in their support. The work of the DOJ Reentry Coordinator, Maureen Barden, has been essential on myriad levels, including outreach to the legal, educational, and business community. Similarly, the Clerk's Office and the Marshal's Service provide invaluable support for court sessions and security.

The ongoing support of the Board of Judges is important for the continuation of this novel program now being replicated throughout the country.

cc: Hon. Theodore McKee, Chief Judge
Hon. Anthony J. Scirica, Circuit Judge
Hon. Thomas J. Rueter, Chief U.S. Magistrate Judge
Daniel Blahusch, Chief, U.S. Probation
John Patrignani, United States Marshal
Michael Kunz, Court Clerk
Zane Memeger, United States Attorney¹⁰
Leigh Skipper, Chief Federal Defender Association
Peter Schenck, Chief, Criminal Division, U.S. Attorney's Office
Maureen Barden, Esquire, DOJ Reentry Coordinator
Hank Sadowski, U.S. Bureau of Prisons
Mark Sherman, Federal Judicial Center
Caitlin Taylor, M.A., Temple University
Tara Timberman, Community College of Philadelphia
Joseph Sullivan, Esq., Philadelphia Bar Association

¹⁰ United States Attorney Zane Memeger was our first mentor in 2008.