

United States District Court
Eastern District of Pennsylvania

CHAMBERS OF
TIMOTHY R. RICE
UNITED STATES MAGISTRATE JUDGE

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MEMORANDUM

To: Honorable Petrese B. Tucker
Chief Judge

From: Honorable L. Felipe Restrepo
U.S. District Judge

L Restrepo

Honorable Timothy R. Rice
U.S. Magistrate Judge

Timothy Rice

DATE: July 7, 2014

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

This year featured unprecedented growth for the district's Reentry Court, also known as the Supervision to Aid Re-entry ("STAR") program, which targets ex-offenders with a serious risk of recidivism for violent crime.

We continue to maintain a low revocation rate for graduates (11%) and all participants (18%), while also forging new partnerships to assist reentry participants. This year, we added a criminal record expungement program, a housing initiative for ex-offenders with the Philadelphia Housing Authority ("PHA"), and soon will begin providing legal representation in Philadelphia's Family Court. In addition, one of our graduates was named as Philadelphia director of Operation CeaseFire, a DOJ program to halt firearm violence, and another published a novel while in reentry court. Our program's success was recognized this year by United States Attorney General Eric Holder, who visited a reentry court session, met privately with 10 graduates, and touted our program as a national model for the criminal justice system.

This memorandum is submitted for review by the Board of Judges, and outlines the progress of the program since its inception in September 2007. Copies have been sent to all District Court Judges and Magistrate Judges.

Highlights include:

- Only 15 of our 131 graduates (11%) have had supervision revoked, been arrested without revocation, or are awaiting revocation.
- Only 39 participants (18%) have had, or likely will have, supervision revoked based on new criminal activity or other serious violations.¹ The revocation rate remains significantly below the Probation Department's revocation rate for similarly situated ex-offenders not participating in the program. For example, over a five-year period from 2009-2013, the revocation rate for the same category of high-risk ex-offenders was 43% – more than double our court's 18% overall revocation rate.
- 164 of our 216 total participants (76%) have either graduated or are currently participating in the program. An additional 13 participants (6%) left the program without completing it for reasons unrelated to revocation or criminal conduct.²
- The reduced revocations for reentry participants also has contributed to a 19% reduction in our district's total revocation proceedings, which dropped from 321 in 2007 to 260 in 2013
- Our success rates were validated in a May 2011 study by the Temple University Criminal Justice Department, which conducted an independent evaluation of the program's first 60 participants between September 2007 and July 2010.³ Compared to similar ex-offenders who did not participate in the program, reentry court participation reduced "the odds of supervision revocation by an impressive 82 percent." Although nearly 25% of the comparison group had supervision revoked, only 8% of the STAR participants were revoked.

The second phase of this outside evaluation will be completed in 2014, and third

¹ Of those participants who had supervision revoked, 38% of that total was due to chronic drug abuse/addiction, and not violent crime.

² For example, participants moved from the Philadelphia area, died, or obtained employment that precluded regular attendance at Reentry Court sessions.

³ Dr. Caitlin J. Taylor, Assistant Professor, Department of Sociology and Criminal Justice at LaSalle University. Dr. Taylor began studying our program in 2007, while she was a Ph.D student at Temple University. She continues to evaluate Reentry Court's results and methodology in her current position at Lasalle.

phase is slated for 2015. The second phase has examined the progress of 120 participants over an 18-month period, and preliminary results appear consistent with the 2011 study. Even after controlling for other known predictors of supervision revocation, the 2014 study found that participation in the reentry program was associated with an 84% reduction in the likelihood of revocation.

- Developing two innovative programs that use law students and attorneys from three Philadelphia law firms to represent reentry participants in traffic court and family court.
- Partnering with PHA to unveil a national pilot program to provide ex-offenders with vouchers for free or low-cost rental housing over the next two years.
- Enlisting the Philadelphia Lawyers for Social Equity to obtain 153 criminal record expungements for dismissed or acquitted criminal charges in state courts.
- Sending reentry team members and graduates to speak at ten public forums throughout the country, including a feature presentation at the Third Circuit Judicial Conference in Hershey, Pa., and the U.S. Attorney General’s “Smart on Crime” summit meeting in Washington, D.C.
- Generating significant savings to the taxpayers based on the 2013 annual rate of \$29,291 for incarcerating a person in federal prison, \$3,162 for supervised release, and \$26,612 for halfway house confinement. Applying these costs to incarcerate 43% of our participants (92 individuals at an annual total of \$2,694,772), as opposed to incarcerating 18% of our participants (39 individuals at an annual total of \$1,142,349),⁴ the savings are substantial – even after accounting for the cost of occasional confinement in a halfway house, and the daily cost of supervised release.
- Realizing substantial intangible sociological benefits by having participants employed and engaged in other positive aspects of community life, such as mentoring, volunteering, and parenting. The program also has heightened community awareness of issues faced by ex-offenders and the need to give them support upon release from prison.⁵ Moreover, the program has solidified the

⁴ As mentioned, 43% is the five-year revocation rate for high-risk ex-offenders, such as our Reentry Court participants, and 18% is the revocation rate for our participants. Since 2007, our revocation rate has remained consistently below 20%.

⁵ For example, the U.S. Attorney’s Office has produced a documentary film, “The Pull of Gravity,” produced by ex-offender El Sawyer and Jon Kaufmann. It depicts the obstacles faced by individuals returning from prison. The film has been shown

positive working relationships among the judiciary, the U.S. Attorney's Office, the criminal defense bar, the legal community, area law schools, the Bureau of Prisons, the Marshals Service, and the Probation Office.

I. Background

On June 3, 2007, the Board of Judges authorized a reentry program focusing on individuals in the City of Philadelphia with a significant risk of recidivism and history of violent crime. The Probation Department identifies pre-release offenders with a Risk Prediction Index ("RPI") of 5, 6, or 7 (on a 0 to 9 scale) and seeks their consent to participate in the program.⁶ Participants have a significant criminal background (most often involving violent crime), need employment training/assistance, or are likely to benefit from the program's resources in some other way.⁷

The program features 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 multiple social, family, and logistical issues they must confront upon 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.

Approximately 40 participants, divided in two separate courts, attend bimonthly sessions in open court before a judge for 52 weeks. The sessions are monitored by U.S. Marshals and recorded by a court reporter. Representatives of the U.S. Attorney's Office, the Federal 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.⁸

throughout the country and reentry graduates are regular panelists.

⁶ Although the Probation Office will review reentry candidates recommended by sentencing judges or by counsel, the reentry team and Dr. Taylor believe it is critical to the program's integrity that the Probation Office select only those participants who meet the program's eligibility requirements. For example, our program is not equipped to deal with individuals who have serious drug addiction or mental health problems and are better suited for specialists within the Probation Office. Similarly, research shows that low-risk offenders do not benefit from the intensive oversight of a reentry court.

⁷ In 2011-12, Probation began converting from the RPI score and identifying participants based on the Post-Conviction Risk Assessment (PCRA), which research has established may be a more accurate predictor of risks faced by ex-offenders. This is one example of Probation's commitment to fully adopt and support the use of "Evidence-Based Practices" to design a more effective supervision model.

⁸ Our team consists of Assistant U.S. Attorneys Jason Bologna, Jennifer

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. Uniform sanctions are employed to foster positive changes in behavior and thereby avoid revocation proceedings.

Before participants meet the judge, a guest speaker sometimes addresses the group for about 10 minutes on an issue of interest to the participants. Topics have included college education, career/employment counseling, parenting, health insurance, and motivational topics.

Recent Accomplishments

1. We launched a national pilot housing program with PHA in 2014 to address the issue of affordable housing for ex-offenders. This initiative provides ten vouchers for Section 8 affordable housing, thereby allowing reentry participants to secure free or low-cost rental housing in Philadelphia's private housing market. The program was spearheaded by PHA's executive director, Kelvin Jeremiah, and vice president, Erik Solivan, who previously volunteered with reentry court while he was attending Rutgers-Camden Law School.

Applicants for the housing vouchers are selected by a subcommittee of our reentry team consisting of: AUSA Jennifer Williams, Assistant Federal Defender Rossman Thompson, DOJ Reentry Coordinator Cyndi Zuidema, Supervisory Probation Officer Jana Law, and William Hart, director of RISE, the city's reentry services agency.

Williams, and Jacqueline Romero; Assistant Federal Public Defenders Rossman Thompson and Elizabeth Toplin; Probation Officers George Reid, Robert Henderson, Supervisory Probation Officer Jana Law, Administrative Assistant Dee Delany, DOJ Reentry Coordinator Cyndi Zuidema, and Temple Law Professor Robin Nilon.

2. We doubled the size of our traffic court program in which third-year law students represent reentry participants in Philadelphia Traffic Court.⁹ Traffic court fines and license suspensions historically have posed a significant obstacle to employment and successful reentry into the community. In addition to Temple Law School and the law firm of Montgomery, McCracken, Walker and Rhoads, we added Rutgers-Camden Law School, Villanova Law School and the law firm of Pepper Hamilton LLC. Law students are mentored by firm attorneys and supervised by law school faculty. Our law students have achieved a positive outcome in every contested traffic court proceeding they handled, and earned the praise of Common Pleas Court Judge Gary Glazer, who is serving as the Administrative Judge for Traffic Court. At Judge Glazer's request, we also expanded the initiative to serve federal ex-offenders outside of reentry court.

3. Building on the traffic court program, we are launching a similar initiative in Philadelphia's Family Court to represent participants in child visitation and support cases. We have identified family court issues as another impediment to successful reentry. This fall, a team of students from the family law clinicals at Temple Law School, Penn Law School, Villanova Law School, and Drexel Law School will be supervised by attorneys from Montgomery McCracken and Fox Rothschild to appear in court on behalf of reentry participants to handle family law matters such as custody and child support hearings.

4. A new service from the Philadelphia Lawyers for Social Equity yielded more than 153 criminal record expungements for reentry participants. Attorneys Ryan Hancock and Mike Lee met with reentry participants throughout the year to identify acquittals and dismissed cases that can be removed from the participant's state criminal record. The attorneys then filed petitions on behalf of the reentry participants and a state judge ordered the expungement pursuant to Pennsylvania law. Removal of non-convictions significantly reduces the participant's criminal history and removes a significant barrier to employment.

5. Employment initiatives continued to develop in 2013. Our efforts were highlighted by PHA's decision to hire four graduates to full-time, salaried, jobs with fringe benefits, i.e., health insurance and pensions. In addition, we formed a partnership with the Neighborhood Film Co. in Philadelphia to employ and train two reentry participants in film production. Neighborhood Film produces national television commercials and works to help ex-offenders, the homeless, and addicts reenter our community. Nearly all reentry participants are employed, and we continued our partnership with the city's RISE program to connect reentry participants with private employers.

Based on his work as a panelist during showings of the film "A Pull of Gravity," reentry graduate Robert Warner was hired as the Philadelphia director of Operation Ceasefire, a

⁹ All students are certified to practice law under supervision by the Pennsylvania Supreme Court.

DOJ gun violence reduction program. Executive Assistant U.S. Attorney Robert Reed, who prosecuted Mr. Warner nearly 20 years ago, was instrumental in helping Mr. Warner obtain that position. Another participant, Imir Reaves (Sanchez) published a novel while participating in reentry court and used some of the proceeds to satisfy a portion of his fine.

6. Chief Judge Theodore McKee of the U.S. Court of Appeals for the Third Circuit continued to promote our program and the goals of reentry. Reentry team members and graduates were featured speakers at the Third Circuit conference following the showing of the film "A Pull of Gravity." Team members made ten presentations throughout the nation, including at federal prisons, DOJ conferences, state reentry conferences, and community groups. We were featured in DOJ's "Smart on Crime" workshop in Washington, D.C., and will be featured this fall at the national conference of Probation/Pretrial Services Chiefs in Tampa, Florida. Reentry court graduates often volunteer to make public appearances with our team and discuss the impact of reentry services on their transformation from criminal activity to returning citizens.

7. Support from the Philadelphia Bar Association and local law schools continues to increase. Reentry participants benefit from free legal assistance for numerous civil issues. 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.¹⁰ In addition, attorneys from the Young Lawyers Division (YLD) have volunteered to assist several reentry participants with legal issues ranging from estate disputes, property damage disputes, and music copyright law.

8. The reentry working group continues to exemplify 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.

9. All reentry participants have either a high school degree, are obtaining a GED,¹¹ are attending college classes and vocational training, or are employed full-time. Officials of

¹⁰ Participating law schools are Rutgers-Camden, Temple, Drexel, Penn, and Villanova.

¹¹ Temple Law Professor Robin Nilon volunteers to provide weekly GED tutoring and college counseling to reentry participants. Several reentry participants have earned a GED or enrolled in college through her efforts.

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.

10. Sanctions have been graduated and highly successful. This year, we adopted uniform sanctions for various conduct as part of our effort to employ evidence-based practices and improve our results. 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 is 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.

11. Research has identified that one of the central predictors of recidivism is "criminal thinking patterns." Probation has successfully launched a Cognitive Behavioral Therapy program called "Thinking for a Change" to address such barriers to successful reentry. Its purpose is to change the behaviors of offenders by restructuring their thinking so that their behavior is positively impacted. Topics include: active listening, cognitive self-change, recognizing risk, and problem solving. Reentry Court was used as a pilot test for this initiative, which proved so successful that it is being expanded district-wide. This program is another of the evidence-based practices recommended as an effective way of ensuring successful reentry and reducing recidivism.

This year we plan to expand the behavioral therapy program with the University of Pennsylvania. Reentry court volunteer Rebecca Livengood, law clerk to Judge Dalzell, has met with the Penn social work faculty to develop the another program in behavioral therapy.¹²

III. Conclusion

After seven years, the reentry court program continues to unite all players in the federal criminal justice system. Our program has now become a successful joint venture

¹² Our reentry team benefits from the volunteer assistance of several judicial law clerks each year. Last year, Ms. Livengood, along with Jules Torti (Judge Schiller), and Maya Sosnov (Judge Brody) provided significant assistance by supervising law students and locating community resources to assist reentry participants.

with the bench/bar and has evolved into a critical component to help ex-offenders rebuild their lives while also reducing recidivism and saving taxpayer funds.

cc: Honorable Theodore McKee, Chief Judge, U.S. Court of Appeals
Ronald DeCastro, Chief, U.S. Probation
David B. Webb, United States Marshal
Michael Kunz, Clerk of Court
Zane Memeger, United States Attorney
Leigh Skipper, Chief Federal Defender
Cyndi Zuidema, Esquire, DOJ Reentry Coordinator
Joseph Norwood, Regional Administrator, U.S. Bureau of Prisons
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