

Family-Based Re-Entry Programming:
*A Promising Tool for Reducing Recidivism and Mitigating the Economic and Societal
Costs of Incarceration in California*

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Abstract:

This paper explores the possibility of introducing family-based re-entry programming into California's correctional establishments as a means of facilitating an offender's successful transition from prison into society. Increasing the occurrence of successful reintegration will ultimately decrease the space constraints and costs associated with California's prison system and simultaneously work to mitigate the harmful collateral effects that imprisonment has on families and communities. After examining various models of family-based programming employed in other states, both short-term and long-term incorporation options are proposed, which are designed specifically to dovetail with California's existing structure. This proposal for gradual implementation incorporates the strongest components of the programs studied and is likely to result in higher success rates among offenders exiting prison.

1. Brief Topic Overview

In this research paper, I examine the ways in which family-based programs can be utilized in California to 1) reintegrate offenders successfully following their release on parole, thereby reducing the economic cost to the state resulting from high rates of recidivism; and 2) contribute significantly to mitigating the collateral social cost of imprisonment on offenders, families, and the communities to which offenders return.

2. Statement of the Issue

The rate of imprisonment in the United States has increased over the past twenty years. According to Bureau of Justice Statistics, at the end of the 2001 calendar year, a “total of 5,618,000 U.S. adult residents, or about 1 in every 37 U.S. adults, had ever served time in prison.”¹ This study, comparing the rates of imprisonment in the United States since 1974 through the end of 2001, predicts that “[i]f rates of first incarceration remain unchanged, 6.6% of all persons born in the United States in 2001 will go to State or Federal prison during their lifetime, up from 5.2% in 1991, and 1.9% in 1974.”²

During this same twenty year time frame, the prison population in the state of California has grown at a tremendous rate. According to statistics published by the California Department of Corrections and Rehabilitation in May of 2005, California’s correctional institutions housed a total of 163,939 individuals at the end of the 2004 calendar year, a dramatic increase from the 43,328 inmates incarcerated in 1984.³

As a result of the large number of offenders constituting California’s prison population, the economic costs of incarceration and the physical limitations of facilities have become important considerations. At the end of June 2004, California correctional institutions were operating at 195.2% of capacity.⁴ The average yearly cost of imprisonment in California, per inmate, is currently \$30,929.⁵ With the legislative adoption of determinate sentencing, the introduction of “three strikes” laws, and increasingly harsh punishments for drug crimes, the prison population will continue to

¹ Thomas P. Bonczar, *Prevalence of Imprisonment in the U.S. Population*, BUREAU OF JUSTICE STATISTICS SPECIAL REPORT (Aug. 2003), at <http://www.ojp.usdoj.gov/bjs/abstract/piusp01.htm>.

² *Id.*

³ CALIFORNIA DEP’T OF CORR. AND REHAB., HISTORICAL TRENDS: 1984-2004 1a (2004), at <http://www.corr.ca.gov/OffenderInfoServices/Reports/Annual/HIST2/HIST2d2004.pdf>.

⁴ *Id.* at 10a.

⁵ California Dep’t of Corr. and Rehab., *Adult Operations and Adult Programs*, at http://www.corr.ca.gov/CommunicationsOffice/facts_figures.asp (last visited Sept. 26, 2005).

grow, in time far outstripping the currently meager ability of facilities and resources to handle the influx of offenders. Consequently, it is imperative to find ways to reduce the prison population.

It is crucial in examining California's large prison population to remember that, just as the rate of imprisonment has increased, so has the number of people leaving prison each year. In 2001 in the state of California, the number of felons released from prison for the first time on parole totaled 55,320. Within the first year, 41.38% of these individuals returned to prison for parole violations, for a new felony conviction, or for some other reason. By the end of three years, the rate of recidivism reached 59.19%, and this number does not include those individuals returned to prison following a second, third, or subsequent release.⁶

Parolees impose significant additional burdens on California's correctional system. Approximately 113,994 individuals in California are currently on parole, and each parolee costs the state an average of \$3,364 per year.⁷ The percentage of parole violators comprising California's yearly prison admissions is substantial and results in increased cost to the state when the offenders are returned to custody. In 1999, for example, "67 percent of all California prison admissions . . . were parole violators rather than new court commitments."⁸ A recent study published by the Little Hoover Commission asserts that while California puts more offenders on parole (95%, as compared to the national average of 82%), fewer parolees successfully complete parole (21%, as compared to the national average of 42%), and, as a result, more prison commitments in California are comprised of returning parolees (67%, as compared to the national average of 42%).⁹ In 2004 alone, a total of 74,725 felon parole violators were

⁶ CALIFORNIA DEP'T OF CORR. AND REHAB., *RECIDIVISM RATES WITHIN ONE, TWO AND THREE YEAR FOLLOW-UP PERIODS FOR ALL FELONS PAROLED TO CALIFORNIA SUPERVISION CALIFORNIA DEPARTMENT OF CORRECTIONS RELEASED FROM PRISON FOR FIRST TIME IN 2001* (Mar. 17, 2005), at <http://www.corr.ca.gov/OffenderInfoServices/Reports/Annual/RECID3/RECID3d2001.pdf>.

⁷ CALIFORNIA DEP'T OF CORR. AND REHAB., *PAROLE CENSUS DATA AS OF DEC. 31, 2004* tbl.1 (2005), at <http://www.corr.ca.gov/OffenderInfoServices/Reports/Annual/Pcensus1/Pcensus1d0412.pdf>; California Dep't of Corr. and Rehab., *supra* note 5.

⁸ JOAN PETERSILIA, *WHEN PRISONERS COME HOME: PAROLE AND PRISONER REENTRY* 12 (2003).

⁹ LITTLE HOOVER COMMISSION, *BACK TO THE COMMUNITY: SAFE & SOUND PAROLE POLICIES*, EXECUTIVE SUMMARY i (2003), at <http://www.lhc.gov/lhcdir/172/report172.pdf>. The Little Hoover Commission is a bi-partisan, independent state body created to promote efficiency and effectiveness in state programs. For additional information, see *Little Hoover Commission*, at <http://lhc.ca.gov> (last visited Oct. 1, 2005).

returned to prison at a cost of approximately 900 million dollars.¹⁰ Reducing the recidivism rate in California would go far towards the goal of reducing the size and cost of the state's prison population.

The economic problems exacerbated by high rates of recidivism in California are pressing, and it is clear that addressing the issue of prisoner reentry into society is the key to reducing the overall rate of recidivism. Yet, "the challenge of prisoner reintegration has been largely overlooked amid intense political and philosophical debates over America's punishment policies."¹¹ As legislators and policymakers have turned to "the expansive use of prisons" in response to crime, society has overlooked "the iron law of imprisonment: they all come back."¹² It is by tackling the problem of prisoner reintegration that California can hope to reduce the state's rate of recidivism and, accordingly, lower the cost of California's correctional system. As greater numbers of parolees successfully transition into society and avoid returning to prison, the state's prison population will decline and the amount spent on incarceration will proportionately decrease.

3. Importance of Addressing the Problem

A) Cost to California's Corrections Budget

It is clear that California's correctional institutions are not equipped to efficiently manage the large numbers of offenders they house every year. If rates of incarceration continue to increase as they have been over the past twenty years, the California Department of Corrections and Rehabilitation (CDCR) may be ill prepared to respond to the future increase in the number of imprisoned offenders. Working to minimize the number of recidivists returning to prison every year is one important way in which California can help reduce the burden on the prison system and lessen the cost of crime control. Yet, it is central to keep in mind that while the imprisonment of those convicted of criminal offenses serves a crime control purpose and incurs its accompanying

¹⁰ CALIFORNIA DEP'T OF CORR. AND REHAB., *supra* note 3, at 5a; LITTLE HOOVER COMMISSION, *supra* note 9, at ii.

¹¹ JEREMY TRAVIS, *BUT THEY ALL COME BACK: FACING THE CHALLENGES OF PRISONER REENTRY* xvii (2005).

¹² *Id.*

economic effects, the incarceration of these convicted individuals also results in additional costs that some have termed “collateral effects.”¹³

B) Cost to the Offender

Not only does imprisonment serve as the societal response to crime, but it also impacts 1) an offender’s later life; 2) an offender’s later physical and mental well-being; 3) an offender’s relationship with his family; 4) an offender’s future crime involvement; 5) the larger community in which the offender lived and to which he will ultimately return; and 6) the offender’s immediate well-being while incarcerated.¹⁴

Many offenders are released without the skills needed to successfully complete parole and reintegrate into society. They have difficulty

with the most basic requirements outside of prison, such as finding a steady job, locating stable and affordable housing, and reestablishing positive relationships with families and friends. Many will remain plagued by substance abuse and health problems. Most will be rearrested and many will be returned to prison for new crimes or parole violations.¹⁵

Ties to job markets, communities, and families will often have deteriorated during the offender’s incarceration, leaving the offender without the benefit of traditional support groups and making it quite challenging for him or her to successfully reintegrate into society.

C) Cost to Society

The impact of incarceration is wide-ranging, affecting not only the prisoner but also the communities victimized by his or her crimes. It is easy to overlook the fact that while stringent laws punish offenders, they also harm innocent victims: the families and communities of the offenders. The Bureau of Justice Statistics reports that in 1999, “[o]f the Nation’s 72 million minor children, 2.1% had a parent in State or Federal prison” on any single day.¹⁶ These numbers, while staggering, do not include the additional children whose lives are affected by the previous imprisonment of now-released parents. And the

¹³ Michael Tonry & Joan Petersilia, *Prisons Research at the Beginning of the 21st Century*, NATIONAL INSTITUTE OF JUSTICE, at <http://www.ncjrs.gov/pdffiles1/nij/184478.pdf>.

¹⁴ *Id.* at 3-5.

¹⁵ Jeremy Travis & Michelle Waul, *Prisoners Once Removed: The Children and Families of Prisoners*, in PRISONERS ONCE REMOVED: THE IMPACT OF INCARCERATION AND REENTRY ON CHILDREN, FAMILIES, AND COMMUNITIES 2 (Jeremy Travis & Michelle Waul eds., 2003).

¹⁶ Christopher J. Mumola, *Incarcerated Parents and Their Children*, BUREAU OF JUSTICE STATISTICS SPECIAL REPORT (Aug. 2000), at <http://www.ojp.usdoj.gov/bjs/abstract/iptc.htm>.

number of people affected by the imprisonment of an offender extends beyond minor children to the spouses, siblings, parents, extended family, and larger community directly affected by the offender's incarceration.

D) The Importance of a Multi-Faceted Approach

Studies focusing on the functions that families can serve in the reintegration process have revealed that “families are important to prisoners and the achievement of major social goals, including the prevention of recidivism and delinquency.”¹⁷ Indeed, family-based programs used in the treatment of offenders produce “positive results for prisoners, families, institutions, and communities.”¹⁸ Raising the success rate of prisoners' reintegration into society by utilizing the strength of families will mitigate the societal costs of imprisonment alongside the more obvious economic effects. If California hopes to reduce the high rate of recidivism while simultaneously counteracting the social impact that imprisonment has on inmates, their families, and their communities, it must strive to adequately equip offenders with the skills and resources they need to successfully complete their parole terms.

4. Description of Existing Policy

Despite the recommendation of the Little Hoover Commission in 2003 that “[t]o protect the public, the correctional system must use proven strategies to prepare inmates for release, supervise and assist parolees in California communities, and intervene when parolees fail,”¹⁹ I have found no evidence of the incorporation of family-based programs to help prepare offenders for release into communities or to support offenders once released on parole in California. And, while some programs are offered to offenders, they have been largely ineffective in achieving the goal of preparing inmates for reintegration into society.

California's correctional facilities currently offer a range of prison programs to help prisoners prepare for reintegration into society, including vocational training, academic learning programs, substance abuse programs, and access to self-help groups

¹⁷ Creasia Finney Hairston, *Prisoners and Their Families: Parenting Issues during Incarceration*, in PRISONERS ONCE REMOVED: THE IMPACT OF INCARCERATION AND REENTRY ON CHILDREN, FAMILIES, AND COMMUNITIES 260 (Jeremy Travis & Michelle Waul eds., 2003).

¹⁸ *Id.*

¹⁹ LITTLE HOOVER COMMISSION, *supra* note 9, at v.

such as Alcoholics Anonymous and Narcotics Anonymous. For example, the Folsom State Prison, in addition to inmate programs in administration, the license plate factory, maintenance, and metal fabrication, to name a few, offers vocational programs in the following areas: auto body fender, auto mechanics, electronics, graphic arts, janitorial, landscaping, masonry, mill and cabinet, office services, printing, and shoe repair. The academic programs offered at this facility include Adult Basic Education, High School/GED, Re-Entry, English as a Second Language Program, and Computer Assisted Instruction.²⁰ Other institutions offer vocational programs in additional areas, including air conditioning and refrigeration, silk screening, welding, upholstery, drafting, and appliance repair, as well as an academic Pre-Release program and Drug and Substance Abuse Treatment.²¹

Despite the apparent wealth of opportunities for offenders to participate in prison-based programs, California's dedication to pre-release programming appears to be nominal rather than actual, as studies indicate that "nearly 20 percent of all inmates [in California] have no assignment to a correctional program during their *entire* prison stay."²² Viewed from this perspective, California's prison facilities are plagued by a dearth of programming opportunities. If rehabilitative programs in facilities are to be effective in preparing offenders for their eventual transition and reintegration into society, prisoners must participate. Indeed, research indicates that "California inmates who spend more time in programs are less likely to return to prison and less likely to participate in prison violence."²³

The transition period between incarceration and release is often undertaken without guidance or substantial assistance from correctional authorities. In 1998, the Little Hoover Commission recommended that California create reintegration centers as transition facilities for offenders preparing for release on parole. The Commission aptly pointed out that while the California Department of Corrections and Rehabilitation "has specialized reception centers that transition inmates into prison, it has no similar facilities

²⁰ California Dep't of Corr. and Rehab., *Folsom State Prison*, at http://www.corr.ca.gov/InstitutionsDiv/INSTDIV/facilities/fac_prison_FSP.asp (last visited Oct. 1, 2005).

²¹ See, e.g., California Dep't of Corr. and Rehab., *California Correctional Institution*, at http://www.corr.ca.gov/InstitutionsDiv/INSTDIV/facilities/fac_prison_CCI.asp (last visited Oct. 1, 2005).

²² PETERSILIA, *supra* note 8, at 6.

²³ *Id.*

to prepare inmates for successful reintegration into society.”²⁴ In 2003, the Commission noted that while re-entry programs designed to teach job search techniques and how to apply for state benefits are available, they “are voluntary and only serve about 30 percent of all inmates.”²⁵

Once offenders are released on parole, they are supervised by parole agents. These parole agents divide parolees into three supervision categories based on risk factors. 8-10% of all parolees are categorized as high control cases, and they must meet with their parole agent at least twice a month. An additional 60% of all parolees are considered to be control service cases who must report to their parole agent at least twice a quarter. The remaining 25-30% of parolees are classified as minimum supervision cases, and must report to their parole agents twice a year.²⁶

Since the majority of parolees have relatively infrequent contact with their supervising agent, they are left to figure out how to reintegrate without much state assistance. According to the Parolee Handbook published by the state, while prisoners are in prison prior to release, they should enroll in pre-release programs, participate in prison programs, take the GED examination, apply for state identification and a Social Security number, and make arrangements for transportation upon release.²⁷ Parolees are directed to contact their parole agents to identify possible sources of housing, meals, and community resources.²⁸ While the Parole Division’s philosophy statement acknowledges that “[e]mployment, housing, and family support resources are the foundations upon which successful reintegration must be built,” the Parolee Handbook does not affirmatively encourage family support or integration either prior to or following release

²⁴ LITTLE HOOVER COMMISSION, BEYOND BARS: CORRECTIONAL REFORMS TO LOWER PRISON COSTS AND REDUCE CRIME, EXECUTIVE SUMMARY 4 (1998), at <http://www.lhc.ca.gov/lhcdir/144/Es144.html>.

²⁵ LITTLE HOOVER COMMISSION, *supra* note 9, at VI.

²⁶ LITTLE HOOVER COMMISSION, BEYOND BARS: CORRECTIONAL REFORMS TO LOWER PRISON COSTS AND REDUCE CRIME 15 (1998), at <http://www.lhc.ca.gov/lhcdir/144/Prison.html>.

²⁷ *Things You Need To Do in State Prison*, in PAROLEE HANDBOOK, at http://www.corr.ca.gov/ParoleDiv/Handbook/ToDo_inprison.asp (last visited Oct. 1, 2005).

²⁸ CALIFORNIA DEP’T OF CORR. AND REHAB., *Finding Housing, Meals and Community Resources*, in PAROLEE HANDBOOK, at <http://www.corr.ca.gov/ParoleDiv/Handbook/Resources.asp> (last visited Oct. 1, 2005).

aside from advising offenders to “[k]eep in contact with your family, friends, and with employers for whom you have worked.”²⁹

Given the high rate of failure for California’s current parolees and scarcity of support options provided to them in an institutionalized fashion, if the state of California hopes to reduce its prison population, it must explore new techniques designed to successfully reintegrate these offenders into society.

5. Scope of this Study

This paper examines the potential avenues of family-based rehabilitation that can be pursued to relieve some of the collateral effects of incarceration on families and communities while simultaneously providing offenders with the social skills and networks of support that they need in order to be successful on parole and avoid returning to California’s prisons. Specifically, I identify programs that utilize the family as a support and rehabilitative system and analyze whether and how a family program could be implemented in California. Rehabilitation and socialization efforts need to focus on involving family members in the socialization of offenders, both to better assist prisoners in the eventual adaptation to life beyond the prison walls, as well as to provide services to help repair the damage caused to the families and communities of these individuals. The goal of this undertaking, from a policy perspective, is to identify ways in which the family can be utilized to improve offender success while on parole in order to reduce rates of recidivism, thereby reducing the size of California’s prison population.

Family-based programs in use in other states are examined in order to compare the relative benefits and drawbacks of the designs of these plans. Of particular interest are the success rates of these various plans, their costs, and the ways in which they were implemented in order to try and determine the best model for a similar program in California. This investigation includes identifying factors that will likely make such a program successful, including how to best encourage offenders and their families to participate, how to structure the program in a way that will continue to respect the rights and input of victims as well as adapting to the challenging needs of reentering offenders,

²⁹ California Dep’t of Corr. and Rehab., *Parole Division Philosophy Statement*, at <http://corr.ca.gov/ParoleDiv/philosophy.asp> (last visited Oct. 1, 2005); CALIFORNIA DEP’T OF CORR. AND REHAB., *supra* note 27.

and how to implement the program in terms of timing (prior to reentry as a pre-release program, following reentry as a parole-based program, or spanning both the period of incarceration and release) in order to maximize success while minimizing cost. I will also examine possible barriers to implementation of a family-based program in California, both political and economic, and attempt to develop a proposal that effectively responds to the potential concerns of the public in adopting such a plan.

6. Evaluation of Potential Models From Other States that Could Be Implemented in California

Different states have developed varied models for the integration of family-based programming into the rehabilitation strategy for inmates and parolees. Some states rely exclusively on in-custody programming, others coordinate in-prison, family-based preparation for release with post-release, community-based support, while still others do not offer any formal opportunities for offenders in custody to reconnect with and access the resources that families have to offer.³⁰

While formal evaluations of family-based support programming are rare – indeed, as formal evaluations of re-entry programs are scarce – research has revealed some successful techniques that an ideal family-based program should incorporate.³¹ One researcher suggests that the combination of Canadian rehabilitation theory with data from United States evaluations on what works, may result in designing successful re-entry programs for implementation.³² While not all of the suggestions generated by this research are germane to the development of a family-based program, research suggests that such a program should 1) begin in prison and continue following release into the community; 2) be intensive, lasting six months or longer; 3) focus on high-risk offenders, with risk level determined by classification instruments; 4) incorporate cognitive-behavioral treatment techniques to assist offenders in defining the problems that led them into conflicts with the authorities, select goals, generate solutions to potential problems,

³⁰ See Nat'l Inst. of Corr, *Services for Families of Prison Inmates* (Feb. 2002), at <http://www.nicic.org/Library/017272>.

³¹ See Joan Petersilia, *What Works in Prisoner Reentry? Reviewing and Questioning the Evidence*, FEDERAL PROBATION (Sept. 2004): 4-8.

³² *Id.* at 6.

and learn to utilize these new skills; and 5) utilize methods of positive reinforcement.³³ If a family-based re-entry program were implemented using all proven indicators of success, it could have the potential to reduce rates of recidivism by up to 30%.³⁴

Following the implementation of a pilot program involving the family into reintegration planning and support, Project Greenlight (discussed in detail below), the Vera Institute of Justice published a compilation of important choices that must be made in designing and implementing a family-based program. These factors include timing and location; whether the family and the offender will participate in training and counseling exercises together or separately; strategies for attracting offenders to the program; defining, identifying, and engaging family members in the re-entry process; staffing and budgetary concerns; duration of the program; and program content (including topics such as offender and family expectations, parenting classes, stress of re-entry, creating a release plan, networking with other community and government resources available; and reviewing the legal requirements and documentation associated with successful release). Given the wide latitude available to an organization in developing a family-based reintegration program, successful family-based programs have chosen to implement these factors differently.

Because so little research has been conducted on the success of family-based programs, and because the structure of these programs varies based on organizational necessity, the needs of the offender, the availability of community resources, and specific geographic challenges, in evaluating potential programs for implementation in California, it is most effective to examine a variety of family-based re-entry programs to see how well each of them is able to meet the needs of offenders and their families. Once such an evaluation has occurred, it will be possible to determine which of these programs – or what combination of the different aspects of these programs – will best serve the needs of California’s re-entering prison population. The six programs discussed below serve offenders and their families across the nation and exhibit varying design and programming characteristics. I will begin by first describing the structure of each

³³ *Id.*

³⁴ *Id.* at 7.

program and the type of services it offers before analyzing the relative benefits and drawbacks of each design.

A) *Project Greenlight*

The Greenlight Family Reintegration Program, known as Project Greenlight, was established as a pilot program in a partnership between the Vera Institute of Justice and the New York State Department of Correctional Services and the New York State Division of Parole in 2002.³⁵ The participants in Project Greenlight were incarcerated males who had been transferred to the Queensboro Correctional Facility in New York City two months prior to their release.³⁶ The participants were chosen at random from the pool of offenders who had been denied parole but who qualified for conditional release by completing the majority of their sentence (66-85%) and maintaining behavioral standards.³⁷

The family-based programming provided through Project Greenlight was optional, and roughly one-third of the participants (105/349) elected to meet with the family counselor at least once. Roughly fourteen percent of the participants (50/349) attended family reintegration sessions.³⁸ Family-based sessions were focused on three key areas: a couples group dedicated to working on the offender's relationship with his significant other, a co-parents group to manage the prisoner's relationship with his children, and a family of origin group focusing on the offender's relationship with his parents, his siblings, and any extended or informal family members.³⁹ Each type of session was held in the evenings, once a week, for four weeks, with up to five families participating in each session.⁴⁰ One full-time and one part-time staff person, each of whom had received training in family systems and family counseling, led the sessions.⁴¹ The sessions, which focused on sharing expectations about living together, allowed the

³⁵ Vera Institute of Justice, *Project Greenlight Overview*, at http://www.vera.org/project/project1_1.asp?section_id=3&project_id=46 (last visited Nov. 8, 2005).

³⁶ Mike Bobbitt & Marta Nelson, *The Front Line: Building Programs that Recognize Families' Role in Reentry* (Sept. 2004), at http://www.vera.org/publication_pdf/249_476.pdf.

³⁷ Vera Institute of Justice, *Project Greenlight: The Process*, at http://www.vera.org/project/project1_9.asp?section_id=3&project_id=46&sub_section_id=24 (last visited Nov. 8, 2005).

³⁸ Bobbitt & Nelson, *supra* note 36.

³⁹ *Id.*

⁴⁰ Vera Institute of Justice, *supra* note 37.

⁴¹ Bobbitt & Nelson, *supra* note 36.

offenders and their families the opportunity to both build a strong support system for the returning prisoner as his primary resource, as well as resolve some anticipated problems prior to release.⁴²

In addition to family-based programming, Project Greenlight provided intensive preparation for release by including daily classes “designed to help participants develop the skills necessary to get a job, find housing, spend time wisely, and make good decisions.”⁴³ Parole officers were also assigned to work with the Project Greenlight participants and, together, they developed individual release plans with prisoners to be implemented following release. Additionally, offenders were given the opportunity to meet with representatives from community-based organizations whose programs could provide additional support for both them and their families following their release from prison.

While the results of Project Greenlight’s formal evaluation are still outstanding, the program manifests several strengths. As a result of the correctional facility’s location in New York City (the location to which many of the offenders would return), it was convenient for many family members to visit the facility and participate in pre-release counseling. Additionally, the sessions were held in the evenings, making it easier for family members with regular work schedules to attend without sacrificing their financial obligations. Further, participants could choose whether to solicit participation from their family members themselves or have a counselor call and request their participation, allowing them to begin the program in the manner most comfortable for them.⁴⁴ Moreover, allowing the offender and their family members to discuss expectations and potential hurdles in structured environment, while often leading to expressions of anger by all participants, ultimately allowed family members to address their problems through empathic listening and a discussion of the issues and “helped [all parties involved] to define realistic compromises and deflate myths.”⁴⁵ Finally, family members were actively involved in the creation of the offender’s release plan, allowing them to assist in

⁴² *Id.*

⁴³ Vera Institute of Justice, *supra* note 35.

⁴⁴ Bobbitt & Nelson, *supra* note 36.

⁴⁵ *Id.*

identifying resources and establishing timelines, and ensuring that they were committed to helping the offender implement the plan both in concrete ways and emotionally.⁴⁶

Along with the many strengths of Project Greenlight's design were some accompanying drawbacks. The family counseling sessions were supervised by a correctional officer, making many family members "hesitant to speak freely."⁴⁷ Family members were also often reluctant to participate in the program and many of those who expressed interest in the program ultimately did not attend.⁴⁸ Additionally, the inmates themselves seemed reluctant to participate, from reasons ranging from having no family nearby who could attend the sessions to believing that the program would only be useful to those with children or to offenders who had "family problems."⁴⁹ The duration of the program was also short, lasting only two months. Furthermore, the program was not targeted at high-risk offenders and was an optional component of the pre-release program as a whole.⁵⁰ Finally, participants were not provided with continuing services following release.⁵¹

B) Family Re-Entry, Inc.

Family Re-Entry, Inc. is a Connecticut-based service comprised of eight full-time and three part-time staff members, three professional subcontractors, and four graduate-level interns, the majority of whom hold graduate degrees in the behavioral sciences.⁵² Formed in 1984, Family Re-Entry is dedicated to "empower[ing] individuals and strengthen[ing] families to reduce violence, crime, abuse, and neglect" and helping "individuals and their families make a successful transition from incarceration to community."⁵³ Programs are offered to participants in four Connecticut cities, as well as in two correctional facilities in the state. The goals of the family systems interventions

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Of course, it is necessary to acknowledge here that for the purposes of the formal evaluation, Project Greenlight needed to be designed in such a way as to provide for an objective control group by engaging offenders through random eligibility requirements. Nevertheless, research indicates that such a program may be most helpful if provided first to high-risk offenders (as discussed previously).

⁵¹ *Id.*

⁵² Family Re-Entry, Inc., *About Us*, at <http://www.familyreentry.org/aboutus.html> (last visited Nov. 5, 2005).

⁵³ Family Re-Entry, Inc., *Home*, at <http://www.familyreentry.org/> (last visited Nov. 5, 2005).

facilitated by Family Re-Entry are threefold: to “1) alleviate behavioral or emotional problems; 2) change relationships between family members; [and] 3) alter relationships between the family system and larger social systems.”⁵⁴ Family Re-Entry offers a variety of programs to its participants, including family and individual therapy.⁵⁵ Life skills and social competency classes are also provided, with the goal of allowing men, women, and youth in the criminal justice system to develop the skills and support networks they need to be responsible family members and citizens through participation in classes on family and parenting, financial literacy, problem solving, re-connecting with family, anger management, developing and maintaining a positive social support system, and communication and personal relationships, among others.⁵⁶ Additionally, Family Re-Entry allows participants access to year-long domestic violence classes,⁵⁷ ex-offender support groups,⁵⁸ and parenting classes, which last three to four months and cover child development, child-rearing strategies, parental self-awareness, discipline strategies, problem-solving, communication, nurturing, skills necessary to foster moral development, and ways to make family life more enjoyable.⁵⁹

While the details of the programming offered to the program’s participants are not easily accessible, and no formal evaluations of Family Re-Entry’s recidivism rates have been conducted, there are many benefits to this program’s design. First, the program is relatively inexpensive, costing an average of \$705 per successful client.⁶⁰ When compared to the cost of housing a parole violator or repeat offender in prison, this sum is impressive indeed. Second, the program offers a wide range of services to its clients, allowing offenders to choose the services they feel will be most helpful and the structure that best suits their individual needs and learning styles. Third, Family Re-Entry

⁵⁴ Family Re-Entry, Inc., *Programs*, at <http://www.familyreentry.org/programs.html> (last visited Nov. 5, 2005).

⁵⁵ Family Re-Entry, Inc., *Individual and Family Therapy*, at http://www.familyreentry.org/family_therapy_prog.html (last visited Nov. 5, 2005).

⁵⁶ Family Re-Entry, Inc., *Life-Skills and Social Competency Program*, at http://www.familyreentry.org/life_skills_prog.html (last visited Nov. 5, 2005).

⁵⁷ Family Re-Entry, Inc., *EVOLVE*, at <http://www.familyreentry.org/evolve.html> (last visited Nov. 5, 2005).

⁵⁸ Family Re-Entry, Inc., *Offender Reentry Support Group*, at http://www.familyreentry.org/exoffender_prog.html (last visited Nov. 5, 2005).

⁵⁹ Family Re-Entry, Inc., *Parenting Education Program*, at http://www.familyreentry.org/parenting_prog.html (last visited Nov. 5, 2005).

⁶⁰ Family Re-Entry, Inc., *Expenses*, at <http://www.familyreentry.org/budget.html> (last visited Nov. 5, 2005).

programming is offered to offenders while they are incarcerated, and continues to offer support once the offender is released from prison. Fourth, some of the programs are offered long-term, giving offenders the opportunity to receive continuing support and practice with the new concepts and behaviors they are learning. Fifth, Family Re-Entry employs trained behavioral scientists and graduate students in the behavioral scientists, who are uniquely situated to assist the offenders with any hurdles or challenges they may face.

In addition to these strengths were some weaknesses. As an initial matter of accessibility, the program was only offered at two of the state's eighteen correctional facilities, making it difficult for offenders to gain access to the benefits provided by Family Re-Entry. The continuing programs are also only offered in three cities in Connecticut, which may not be easily accessible for offenders and their families following release from prison. Additionally, the activities engaged in by Family Re-Entry are not undertaken with systematic support from state parole agents, who are responsible for ensuring that offenders on parole successfully reintegrate back into society. Finally, the program does not appear to be targeted to high-risk offenders.

C) Family Justice/La Bodega

Family Justice is committed to working with community, government, and family partners to foster systematic, sustainable change in the practice of criminal justice in the hope of reducing recidivism and ensuring that the full strength of an offender's associations are utilized and recognized in the reintegration process.⁶¹ Drawing upon research indicating that the presence of social support mitigates the impact of stress and strain and benefits individuals struggling with substance abuse addictions, and research indicating that offenders with family support were more successful in their transition out of prison, had higher self-confidence, and were more optimistic about their futures,⁶² Family Justice's program seeks to tap the strength of families by utilizing them as support for the family members transitioning out of prison and back into the community. Family Justice's signature method – the Bodega Model – is “the process of partnering individuals

⁶¹ Family Justice, *About Family Justice* (2004), at <http://www.familyjustice.org/about/>.

⁶² Marta Nelson, Perry Deess & Charlotte Allen, *The First Month Out: Post-Incarceration Experiences in New York City*, VERA INSTITUTE OF JUSTICE (Sept. 1999), at http://www.vera.org/publication_pdf/first_month_out.pdf.

under Justice supervision and their families with government Justice supervision and community providers . . . by mobilizing family strengths and resources.”⁶³ Family Justice defines family broadly, accepting “the participants’ definition of their families (i.e., a more diverse definition describes family, such as unmarried, same-sex couples or communal arrangements of unrelated individuals).”⁶⁴ The Bodega Model, originally implemented at the La Bodega site in New York’s Lower East Side, often begins to provide services when the parole officer visits with the family of the offender prior to his release from prison. During this visit, a La Bodega staff member informs the family of available services and offers support in preparing for the return of the family member. Expectations about parole are also discussed, and the family begins to form a relationship with both the case manager and the offender’s parole officer.⁶⁵

Once the offender is released from prison, a case manager from La Bodega works with the individual to create an Ecomap, which is a visual representation of valuable community resources upon which the individual and his family can draw.⁶⁶ “Identifying a person’s strengths is the primary focus.”⁶⁷ Genograms are also created, which allow an individual to view and “give equal weight to the strengths of family relationships and data such as which family members are employed, educated, or especially motivated to support the family member returning from incarceration.”⁶⁸ Believing that the offenders are part of their surrounding environment and understanding the ways in which this environment can be mobilized to strengthen and assist the offender and his family is key, and the professional assistance is used primarily to “motivate families to take action where they have been previously unable to see their abilities or felt unable to exercise power.”⁶⁹ Case managers then work with the offender, his family, and the parole officer to build a plan with the offender to maximize the chances of a successful reintegration.

⁶³ Family Justice, *Our Methodology* (2004), at <http://www.familyjustice.org/method/>.

⁶⁴ Donald G. Evans, *Enhancing Supervision by Engaging Families*, CORRECTIONS TODAY (JUNE 2002), available at <http://www.familyjustice.org/action/publications.html>.

⁶⁵ Carol Shapiro & Katie Sawicki, *The Bodega Model: A Family Focused Approach for Returning Prisoners*, at <http://www.familyjustice.org/action/publications.html> (last visited Sept. 26, 2005).

⁶⁶ Carol Shapiro & Katie Sawicki, *Interfamilial Crime and Prisoner Reentry: The Role of the Family* (Feb. 2003), at <http://www.familyjustice.org/action/publications.html>.

⁶⁷ Carol Shapiro, *Families: A Critical Resource for New Jersey’s Prisoner Reentry Strategy* (Sept. 2003) 9, at <http://www.familyjustice.org/action/publications.html>.

⁶⁸ *Id.* at 13.

⁶⁹ *Id.* at 9.

Through the formation of these relationships and partnerships, a team is formed that allows individuals to take responsibility for their actions, to involve their families in their recovery, and to turn to outside support for assistance when it is needed.

By way of illustration, Family Justice refers to the story of Jane, a substance abuser who turns to her mother (who has been raising Jane's four children and who is an alcoholic in recovery) when she is released on parole.⁷⁰ Jane attends a substance abuse treatment program, finds medical and mental health care, and regularly attends counseling sessions with her mother and children. After several months, Jane relapses. However, rather than denying her misstep and returning to an unhealthy lifestyle, Jane contacts her case manager at La Bodega, who arranges for inpatient treatment. After discharge from that program, Jane returns to outpatient treatment and the counseling sessions with her family. Because of the actions Jane has taken to combat an initial regression in her reintegration plan, her parole officer chooses not to revoke her parole. This unique approach "helps offenders themselves respond differently to relapse" and also demonstrates how a family-based approach allows outside individuals to find out about relapse much earlier than parole otherwise would (through a dirty drug test or a missed appointment).⁷¹ Early intervention allows caseworkers and parole officers to identify helpful resources and get the individual back on track very quickly.

In addition to promoting the Bodega Model of family-based community programming, Family Justice also offers training services to local, state, and federal parole and probation officers, teaching them how to tap the strengths of families and more effectively assist offenders with reintegration into society.⁷² Indeed, when "parole and other criminal justice agencies understand the community, and culture, that is integral to a reentering individual's life, they are more apt to cooperate and communicate with those parties providing a more unified support for the reentering individual."⁷³ Additionally, when a parole officer does not take the time to integrate the family into the offender's network of support and is instead viewed as a hostile outside agent, the parole

⁷⁰ Carol Shapiro & Meryl Schwartz, *Coming Home: Building on Family Connections* (2001), at <http://www.familyjustice.org/action/publications.html> (last visited Sept. 9, 2005).

⁷¹ *Id.*

⁷² Family Justice, *Probation and Parole: Local, State, and National Partnerships with Probation and Parole* (2004), at <http://www.familyjustice.org/action/parole.html>.

⁷³ Shapiro & Sawicki, *Interfamilial Crime and Prisoner Reentry*, *supra* note 66.

officer “is denied a powerful ally who can spot relapse and noncompliance, and give advice about how to help [the offender].”⁷⁴ The success of a family-based support system “rests on a genuine partnership between supervision officers and offenders’ families, who likely share the same goal – helping the offender stay out of trouble.”⁷⁵

The 24-hour crisis intervention service supplied by La Bodega also assists offenders in their reentry programming through a realization that re-entry is often challenging and fraught with difficulty. When La Bodega is contacted, treatment is arranged and either the family or the case manager notifies the parole officer. The offender is cooperative because they trust their families and they also “trust that La Bodega will work with parole to help them get back on the road to recovery [instead of] sent back to jail.”⁷⁶ Because the offender is taking steps to rectify the situation, parole officers have “reduced [the] use of jail as a sanction.”⁷⁷ Additionally, the crisis intervention service promotes public safety “because it gets parolees off the streets before further harm can be done.”⁷⁸

The programs offered by Family Justice, primarily the La Bodega Model, have been evaluated and found to be successful. In a study entitled “Families as a Resource in Recovery from Drug Abuse: An Evaluation of La Bodega de la Familia,” researchers found that drug use among participants in La Bodega “declined significantly, from 80 percent to 42 percent.”⁷⁹ What is particularly impressive is that these results were achieved without any additional time spent in drug treatment programs.⁸⁰ Unfortunately, these successes were often achieved at the expense of family members, whose satisfaction with the arrangement tended to drop over the course of the study, suggesting that families need to be supported through the re-entry process just as much as do the offenders.⁸¹ In a general sense, beyond the statistics supporting the use of the La Bodega model for substance abusers, La Bodega offers participants many advantages. First, the

⁷⁴ Shapiro & Schwartz, *supra* note 70, at 10.

⁷⁵ *Id.*

⁷⁶ *Id.* at 12.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ Eileen Sullivan, Milton Mino, Katherine Nelson & Jill Pope, *Families as a Resource in Recovery from Drug Abuse: An Evaluation of La Bodega de la Familia*, VERA INSTITUTE OF JUSTICE (2002) 54, at http://www.vera.org/publication_pdf/163_250.pdf.

⁸⁰ *Id.*

⁸¹ *Id.* at 55.

program offers a comprehensive array of services, and coordinates community resources in such a way that the offender and his family are able to see the array of support and services available to them. Second, the Family Justice approach emphasizes the strengths of individuals rather than their weaknesses, allowing them to build confidence and coping skills throughout the re-entry process. Third, having a 24-hour hotline assures the offender and his family that they are supported throughout the process of reintegration and allows for early intervention into relapse crises. Fourth, cooperation with local law enforcement and parole officers allows offenders to view these individuals not as hostile forces, but as resources, and this enhances public safety by assuring that government officials are notified immediately during times of crisis. Fifth, this partnership also allows the offender to pursue treatment options when he relapses, rather than simply returning to custody on a parole violation before being released and having to go through the stress of re-entry an additional time. Sixth, the program is intensive, with many families receiving services for up to one year. Finally, the program draws upon the previously untapped resources of the family in a new way, allowing for simultaneous reintegration of the offender into society and into a healthier relationship with those close to him.

In spite of these advantages, Family Justice's La Bodega Model has some weaknesses. It is expensive, costing over \$800,000 dollars per year to serve 140 families at any given time.⁸² La Bodega also provides only post-release services to offenders and begins its involvement with the parole officer's first pre-release visit to the offender's family. Further, La Bodega was implemented in a neighborhood already ripe with community services and resources, and it would lose much of its effectiveness if implemented in a less resource-rich area. Additionally, counseling and pre-release interventions are not offered to families and the offenders to ease their transition from prison. Finally, La Bodega does not target high-risk offenders for its services.

D) Girl Scouts Beyond Bars

Girl Scouts Beyond Bars is a program formed in cooperation with Girl Scouts of America and local correctional facilities. The program began in Maryland in 1992, and the Maryland Girl Scout troop is composed of more than 30 female children of offenders

⁸² Carol Shapiro, class visit, Stanford Law School, Oct. 12, 2005.

whose mothers are incarcerated at the Maryland Correctional Institute for Women.⁸³ Eligible incarcerated mothers cannot have a history of child abuse and must remain infraction-free for six months before they apply and during the program, according to the Warden of the Maryland facility.⁸⁴ Additional programs exist in at least one correctional facility in Florida, Ohio, Arizona, Delaware, New Jersey, California, and Kentucky.⁸⁵ In Maryland, the daughters visit their mothers at the prison two Saturdays per month for a Girl Scout meeting in the prison gym. They, along with their mothers, spend the time working on structured, pre-planned Girl Scout troop projects addressing many topics, including self-esteem, drug abuse, violence prevention, teenage pregnancy, as well as participating arts and crafts projects, learning aerobics, and putting on a science fair.⁸⁶ Between visits, the daughters meet with their troop to finish projects, start new ones, and occasionally take field trips.⁸⁷ Once a week, the incarcerated mothers meet with Girl Scout staff for an hour to plan the next meetings, allowing them to “assume responsibility and develop organizational skills.”⁸⁸ To supplement the program, the mothers attend a group led by a volunteer licensed social worker for one hour per month to discuss family-related concerns and begin to build coping mechanisms to maintain positive long-distance parenting skills, often including role-playing as a tool for learning to confront and respond to difficult situations.⁸⁹

The programming model developed for Girl Scouts Beyond Bars is unique in that it provides a gender-based curriculum designed specifically to deal with the problems associated with incarcerated mothers and their daughters. Girl Scouts Beyond Bars also nurtures and develops the mother-child bond while the parent is incarcerated, thereby mitigating much of the stress associated with a mother’s release from prison and returning to the family. By providing incarcerated mothers and daughters with structured activities during visits, Girl Scouts Beyond Bars alleviates the stress of finding things to discuss during visiting hours and gives its participants the opportunity to use activities as

⁸³ Marilyn C. Moses, *Keeping Incarcerated Mothers and Their Daughters Together: Girl Scouts Beyond Bars*, NATIONAL INSTITUTE OF JUSTICE (Oct. 1995) 2, at <http://www.ncjrs.gov/pdffiles/girlsct.pdf>.

⁸⁴ *Id.* at 6.

⁸⁵ *Id.* at 3.

⁸⁶ *Id.* at 5.

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.* at 6.

a starting point for discussion. Another benefit associated with this program is the fact that the daughters and their mothers may continue to participate in the community-based Girl Scout activities following the mother's release from prison (although budget constraints prohibit continued in-prison involvement), allowing the family to continue to benefit from structured, group activities.⁹⁰ Additionally, the program is relatively inexpensive, costing approximately \$30,000 per year to fund transportation for the daughters, the salaries of Girl Scout support staff, accident insurance, and the supplies used in group activities. Finally, the Girl Scouts Beyond Bars participants report an increased amount of positive communication between them and their daughters outside of the program, as well, with one mother remarking, "I've gotten three letters from my daughter this week. That never happened before the Girl Scouts."⁹¹ This increased contact between incarcerated mothers and their daughters allows the mothers a concrete role in their daughters' lives and encourages active parenting while in prison.

Some weaknesses of the Girl Scouts Beyond Bars program include the following: the program is only designed for female offenders and their daughters and does not impact the relationships between mothers and their sons or fathers and their children; the program does not formally incorporate parenting courses into the requirements of participating mothers, which would allow for further development and practice of their parenting skills; and when a mother is transferred to the local pre-release center, she can no longer attend the regular mother-daughter meetings, thereby disrupting the communication between these family members. The Girl Scouts Beyond Bars program also does not target high-risk offenders, is not necessarily a long-term commitment for its participants (although many participate over a long period of time), and does not continue in an intensive fashion following the mother's release from prison, although mothers are welcome to attend the community troop meetings with their daughters.

E) The Osborne Association/FamilyWorks

Founded in 1931 by a New York industrialist and former mayor of Auburn who voluntarily spent a week in an Auburn prison to experience firsthand the conditions of incarceration, the Osborne Association strives to turn "America's prisons . . . from human

⁹⁰ *Id.*

⁹¹ *Id.* at 5.

scrap heaps into human repair shops.”⁹² Staffed by over 150 staff members and over 40 volunteers, the Osborne Association serves more than 7,500 people annually, both in community locations and in city jails and state prisons.⁹³ In addition to drug treatment, mental health, and employment programs, the Osborne Association pioneered a program in 1986 entitled FamilyWorks, which is “the first comprehensive parenting program in a men’s state prison.”⁹⁴ The program was developed in order to “help reduce children’s trauma of having an incarcerated parent, while helping incarcerated parents develop critical skills to maintain their parenting roles in prison.”⁹⁵ This intensive 16-week parenting course, offered in four New York correctional facilities, is designed to allow prisoner-parents to face and acknowledge painful realities associated with the parenting they received as children while simultaneously learning the skills necessary to reclaim their roles as parents. Supplemental courses in life skills are also offered to offenders to improve the ways in which offenders relate to their children and other family members.⁹⁶ The curriculum includes information on “child development, the impact of substance abuse, communication skills, and ethics and moral reasoning.”⁹⁷ Participants are challenged and mandated to read works by Maslow and Erikson, write extensively, and engage in intensive role-playing exercises.⁹⁸ Eventually, participants learn to shift their focus from the impact that prison has had on them to the ways in which their imprisonment has affected their families, leading them to ultimately ask “What do *you* need from *me*?”⁹⁹ The Osborne Association also provides centers for children at the prison facilities, creating quiet areas where inmates can enjoy time learning and playing together with their children.¹⁰⁰ Graduates of the standard parenting class, the advanced

⁹² The Osborne Association, *Our Mission*, at http://www.osborneny.org/osborne_history.htm (last visited Nov. 5, 2005).

⁹³ The Osborne Association, *The Osborne Association Today*, at http://www.osborneny.org/osborne_today.htm (last visited Nov. 5, 2005).

⁹⁴ Matt Losak, *Program Stresses Family Ties to Help Reduce Recidivism* (Feb. 9, 2005), at http://www.osborneny.org/new_events_PR2005_0209.htm.

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ The Osborne Association, *FamilyWorks Mends Ties Frayed or Broken by a Father’s Incarceration*, OSBORNE TODAY (Winter 2002) 3, at <http://www.osborneny.org/newsletter.pdf>.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

parenting class, and a course on preventing domestic violence are supported with one-on-one counseling to further work through issues that arise during the classes.¹⁰¹

Participants in Osborne’s parenting course report improvements in their family relationships, as do their families. “I felt a change,” reports the daughter of one FamilyWorks graduate, “He turned into a better listener, responded in a more understanding way. I could tell him my problems without his getting upset, and that was a comfort to me.”¹⁰² Coming from a teenager, this type of feedback is rare for any parent, let alone an incarcerated parent. Her father acknowledges the progress he has made since completing the three courses offered by the Osborne Association: “The course gave me some direction . . . it helped me to understand what my daughter was going through and why.”¹⁰³ Other family members report a sense of satisfaction with the program, as well, finding comfort in the fact that the offender is not “just sitting there wasting time;” rather, the prisoner is “turning a bad thing into something positive . . . [and becoming] calmer, and more goal-minded.”¹⁰⁴ The program also impacts the co-parent of the children, allowing for the further development of a healthy relationship between the parents, regardless of the status of their personal relationship and their future romantic intentions.¹⁰⁵

The Osborne Association also provides support to the families of incarcerated fathers, who can call or visit the Family Recourse Center in Brooklyn. The Center is a source of information on New York State prisons, a referral center for a wide range of services, and a gathering place where families can connect with others in similar situations.¹⁰⁶ A toll-free hotline is also available, allowing families to receive information and assistance without traveling to the physical service location.¹⁰⁷ Case managers also provide individual and family counseling, in addition to job referrals and

¹⁰¹ *Id.*

¹⁰² The Osborne Association, *Father Shares Love, Lessons, and Values Behind Bars*, OSBORNE TODAY (Winter 2002) 1, at <http://www.osborneny.org/newsletter.pdf>.

¹⁰³ *Id.* at 3.

¹⁰⁴ *Id.* at 5.

¹⁰⁵ *Id.*

¹⁰⁶ The Osborne Association, *FamilyWorks Mends Ties Frayed or Broken by a Father’s Incarceration*, *supra* note 97, at 3.

¹⁰⁷ The Osborne Association, *Family Resource Center Opens*, OSBORNE TODAY (Winter 2002) 4, at <http://www.osborneny.org/newsletter.pdf>.

access to community programs.¹⁰⁸ Two weekly groups are also offered: one for recently-released prisoners confronting the challenges of re-entry, and one for prison families, friends, ex-prisoners, and community members.¹⁰⁹ Upon release, FamilyWorks participants are eligible to participate in all Osborne services and programs.¹¹⁰

The FamilyWorks program offered by the Osborne Association draws upon many strengths. First, the program is intensive, lasting four months for the initial course, and offering follow-up counseling and advanced programming options. Second, the program begins during the period of incarceration and continues after release, allowing offenders and their families to access support both pre-release and during the difficult reintegration period. Third, FamilyWorks incorporates cognitive behavioral training, a tool which has been proven to be successful at reducing recidivism. Fourth, the program is challenging, which allows offenders to build their self-esteem as they navigate their way through advanced course material and learn to approach the problem of their imprisonment through the eyes of their family members. Fifth, the program incorporates structured classes with visiting time, which allows offenders to practice the skills they have learned in interaction with family members. Sixth, by targeting both offenders and their family members, FamilyWorks serves to mitigate many of the collateral effects that their imprisonment has had on their loved ones. Finally, by providing simultaneous support to family members through their Brooklyn Center, the Osborne Association ensures that families have access to support while their family member is incarcerated.

Drawbacks of the Osborne Association's program are few. First, the program does not target high-risk offenders. Second, although FamilyWorks counselors are available to supervise visits between the incarcerated parents and their children¹¹¹, the program does not offer formal joint counseling to families and the offender during incarceration, which could be useful in working through many of the issues affecting these vulnerable structures. Last, the Osborne Association does not partner with parole

¹⁰⁸ The Osborne Association, *FamilyWorks Mends Ties Frayed or Broken by a Father's Incarceration*, *supra* note 97, at 8.

¹⁰⁹ *Id.*

¹¹⁰ The Osborne Association, *Prison, Reentry and Family Services*, at <http://www.osborneny.org/FamilyWorks.htm> (last visited Nov. 5, 2005).

¹¹¹ New York State Dep't of Corr. Servs., *Parenting Program Extends to Albion*, DOCS TODAY (Mar. 2003) 19, at www.docs.state.ny.us/pressrel/docstoday/march2003edition.pdf.

agents to develop a re-entry plan that builds upon the support of the offender's families and their resources and skills.

F) Family Support Program for Ex-Offenders

The Family Support Program for Ex-Offenders (FSP) was created in 1992 as a partnership between the Texas prison system and the University of Texas at Austin School of Social Work.¹¹² The Family Support Program is a community-based rehabilitation effort engaging families, the offenders, and the community. The Family Support Program, like the La Bodega Model, adopts an inclusive definition of family, including anyone the offender identifies as being part of his or her family network.¹¹³ Some offenders begin to receive services while in prison, three months prior to release, while other offenders are referred to FSP following release. In order to increase the number of offenders receiving FSP's services, approximate 75% of all services are delivered within the offender's home and are delivered over a three to nine month period.¹¹⁴ Counseling is available for the offender alone, his or her family alone, or joint therapy involving the offender and the family simultaneously.¹¹⁵ Parole officers are involved in the planning and management of the offender's plan, which is developed based on a psychological evaluation and takes into consideration the needs of the entire family.¹¹⁶ Support groups are also made available with a dual focus: "(1) to enhance the offender's reintegration through providing information, support, and education for successful coping and problem-solving skills; and (2) to assist family members in their coping and development."¹¹⁷ Group services include support groups for ex-offenders and their families; support groups for caregivers; support groups for wives, girlfriends, and mothers; support groups for parolees; an anger management group; and a support group for children of offenders.¹¹⁸

The Family Support Program engages in substantial outreach to attract the participation of vulnerable individuals by sending out newsletters to families and

¹¹² Toni Johnson, Katherine Selber & Michael Lauderdale, *Developing Quality Services for Offenders and Families: An Innovative Partnership*, CHILD WELFARE (Sept./Oct. 1998) 597.

¹¹³ *Id.* at 601.

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ *Id.* at 602.

¹¹⁸ *Id.* at 602-03.

inmates.¹¹⁹ Additionally, FSP regularly provides referrals to individuals so that they can receive services not currently provided by FSP. All programs are staffed through Austin's School of Social Work and include M.S.W.s, masters-level social work interns, and bachelor-level social work interns. Each student receives specialized training in the criminal justice system, the impact of incarceration on children and families, the dynamics of poverty and single parenthood, substance abuse, parent training, multineed families, and community networking.¹²⁰

Studies analyzing the recidivism rates of those families and offenders involved in some way in the FSP (not necessarily completion of the program) and those who were on the waiting list for the program but had not received any additional services revealed no statistically significant differences between the comparison and FSP groups one year following release from prison.¹²¹ Those who completed the FSP programs, however, had a 10% higher parole success rate than the comparison group.¹²² Four to five years later, a follow-up study was conducted, which revealed that 67% of those who completed the FSP programs had not violated the terms of their parole and had successfully transitioned back into society.¹²³ These results appear promising.

In addition to the results of the studies, FSP has a strong organizational structure. FSP draws upon the wider community and the skills of professors and students to engage the community in the re-entry process. Additionally, FSP often provides services to offenders and their families both prior to and following the offender's release from prison. Further, the Family Support Program incorporates parole agents, government agencies, families, and community service providers in developing an effective and comprehensive service and re-entry plan for the offender. Finally, unlike many other programs, FSP engages both male and female offenders and supports their return to their families and reintegration into society.

One weakness of FSP is that it does not provide intensive parenting classes to offenders prior to their release, which would better equip them to deal with their role as

¹¹⁹ *Id.* at 605.

¹²⁰ *Id.* at 609.

¹²¹ *Id.* at 611.

¹²² *Id.*

¹²³ *Id.*

parents following their return to the family structure. Services also do not appear to be available to families in advance of the offender's return, which would allow them to prepare more effectively for the changes in family dynamic that are certain to follow. Finally, FSP does not target high-risk offenders, and the services provided by FSP do not appear to utilize cognitive behavioral methods.

7. Lessons Learned From Existing Family-Based Programs

As is apparent, family-based re-entry programs may take many different forms, depending on the goals of the program and the available resources in the community. All of these programs are accompanied by substantial benefits, both for offenders and the families and larger communities they have left behind, and it appears that no program has yet managed to incorporate a comprehensive curriculum that avoids shortcomings altogether. Because each of these programs has its own unique strengths and weaknesses, California should decide which model to adopt – or which aspects of the various models to adopt – based on the needs and resources it identifies in its communities, its budget, and the ways in which it can utilize the existing structure of its re-entry programming to dovetail with the assets provided through incorporation of a family-based program.

8. Policy Proposal

Having reviewed a cross-section of the existing family-based programming models in place across the country, an appropriate model for implementation in California should be selected with the resources and goals of the state in mind. In order to do this, an overview of California's existing pre-release strategy will be provided before potential barriers to the implementation of a family-based program are analyzed. Then, both short-term and long-term programming goals will be developed with the needs of the state and its available resources in mind, and the following factors will be specifically considered: timing and location, whether the family and the offender will participate in training and counseling exercises together or separately, the determination of eligible offenders, staffing and budgetary concerns, and program content (including topics such as offender and family expectations, parenting classes, stress of re-entry, creating a release plan, networking with other community and government resources available, and reviewing the legal requirements and documentation associated with

successful release). Finally, I will address possible political and economic barriers to implementation of a family-based program and suggest ways in which California policymakers can mitigate these obstacles to facilitate the incorporation of family-based support into the release plans and preparation offered to offenders.

A) California's Existing Pre-Release Programming

California currently has some pre-release programming in place in its prison facilities. According to Matthew Jamison, the Unit Supervisor for the Program Development Unit at the Division of Adult Parole Operations for the California Department of Corrections and Rehabilitation, the pre-release program in place is titled the Parole Planning and Placement Program (PPP).¹²⁴ According to Mr. Jamison, the purpose of the PPP is to “obtain and utilize pertinent information about offenders in order to develop and implement effective and specific reentry plans that maximize a parolee’s opportunity to successfully integrate into the community.”¹²⁵ The program is designed to provide “proactive involvement, within institutional settings, in establishing and solidifying parole planning for inmates prior to their release into the community.”¹²⁶

The PPP is in place in 32 of California’s state prisons, and is staffed by 32 Parole Agent II Specialists (PAIIs) and 43 Parole Service Associates (PSAs), with at least one PAII and one PSA in each facility.¹²⁷ Additionally, the PPP contracts 24 District Social Workers (DSWs) who are located in 24 parole districts and who facilitate the re-entry plan of inmates and link them with community resources and services “to assist in stabilizing newly released parolees or parolees whose community programming is in jeopardy.”¹²⁸ The PAIIs and PSAs are responsible for creating an electronic file that is used by the DSW to develop an individualized re-entry plan. The PSA is responsible for the initial interview with the inmate, where the inmate is required to answer a series of

¹²⁴ Matthew Jamison, Unit Supervisor, Program Development Unit, Division of Adult Parole Operations, California Department of Corrections and Rehabilitation, e-mail correspondence, Dec. 12, 2005. On file with author.

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

questions designed to elicit information for the offender's electronic client profile.¹²⁹ The offender is given the opportunity at that time to self-identify any potential barriers to his or her successful re-entry.¹³⁰ After the initial interview is completed, the PAII reviews the risk assessment interview data collected by the PSA during the interview and enters the static case data from the offender's Central File (C-File). If additional barriers or obstacles to successful re-entry are discovered by the PAII, a second interview is conducted with the inmate.¹³¹ This second interview addresses any "discrepancies that are found in either the initial risk assessment interview data or information collected through the review of the C-File."¹³² The purpose of the PAII's follow-up interview is to "provide[] guidance to the inmate in order to develop and document realistic goals."¹³³ The electronic client profile that is ultimately completed is forwarded to the regional DSW and is used "to assist the DSW in identifying programs and services available to the inmate upon parole."¹³⁴ This completed client profile is available to the Agent of Record, who is the parole agent within the offender's community to whose oversight the offender will be released.¹³⁵

Currently, the pre-release planning offered by the PPP is available to first time offenders and parolees returning to custody with a new prison term.¹³⁶ The initial interview with the offender is conducted approximately 240 days prior to the offender's scheduled release date.¹³⁷ As of January 1, 2006, the California Department of Corrections and Rehabilitation plans to expand the PPP in order to provide pre-release planning services to include inmates returned to prison on a parole violation.¹³⁸ Initially, the CDCR plans to exclude from the program inmates returned to prison on parole violations for terms less than six months in length.¹³⁹ Once all inmates returned to prison

¹²⁹ Matthew Jamison, Unit Supervisor, Program Development Unit, Division of Adult Parole Operations, California Department of Corrections and Rehabilitation, e-mail correspondence, Dec. 16, 2005. On file with author.

¹³⁰ Jamison, e-mail correspondence, Dec. 12, 2005, *supra* note 124.

¹³¹ Jamison, e-mail correspondence, Dec. 16, 2005, *supra* note 129.

¹³² *Id.*

¹³³ *Id.*

¹³⁴ Jamison, e-mail correspondence, Dec. 12, 2005, *supra* note 124.

¹³⁵ *Id.*; Jamison, e-mail correspondence, Dec. 16, 2005, *supra* note 129.

¹³⁶ Jamison, e-mail correspondence, Dec. 12, 2005, *supra* note 124.

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ *Id.*

on a parole violation eventually receive PPP services, this will result in an accelerated evaluation schedule, as the average parole violator's prison term lasts between 120 and 210 days, with one year as the statutory maximum.¹⁴⁰ Because some of these inmates will not be incarcerated for the 240 day period presently utilized, "the shorter prison terms will result in less time to identify, assess and develop parole plans."¹⁴¹

Despite the intricacy of the Parole Planning and Placement Program's design and its laudable intent, it appears that the PPP has not yet been able to effectively implement its goals. Because the PPP services are currently available to only a small subset of incarcerated individuals (first time offenders and parolees reincarcerated for a new offense), the impact of the program is necessarily limited. According to Jeff Fagot, the Parole Supervisor for Region IV, the few parole agents and parole service assistance assigned to work with the PPP have had "minimal impact" thus far.¹⁴² Indeed, he writes that parole agents "are lucky to know where an inmate plans to live upon release."¹⁴³ Clearly, if the goal of the PPP is to provide inmates and their assigned parole agents with a comprehensive evaluation and release plan that is designed to provide with the offender with an individually tailored plan for success, this program has not yet been successful. However, the expansion of the existing plan is already underway, and since the CDCR seems committed to enlarging the scope of the services provided by the PPP, this proposal is made with the existing structure of the PPP as an initial starting point for any recommendations.

B) Potential Barriers to Implementation of Family-Based Re-Entry Programming

The Parole Planning and Placement Program's structure does not provide any type of barrier to the incorporation of family-based programming, as will be discussed in more detail below. Indeed, the PPP's collaborative approach utilizing the skills of parole specialists, social workers, and the offenders themselves is ideally suited to the incorporation of a broader partnership involving family support. The primary barrier to the immediate implementation of a comprehensive family-based re-entry program is

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² Jeff Fagot, Region IV Parole Supervisor, California Department of Corrections and Rehabilitation, e-mail correspondence, Dec. 8, 2005. On file with author.

¹⁴³ *Id.*

structural in nature: the California prison system simply does not have enough space to conduct a comprehensive pre-release program, including in-prison family-based and other preparation services, as well as post-prison follow-up resources. Operating at 195.2% of capacity, the state correctional facilities are ill equipped to house the rising prison population, let alone find space for the in-prison programming that is an important component of a comprehensive release strategy.¹⁴⁴ As a result, it will be important to develop both short-term and long-term family-based planning options in order to facilitate the gradual integration of family-based programming as space becomes available in the correctional facilities.¹⁴⁵

The second potential barrier to the implementation of a comprehensive family-based re-entry program is the general absence of authoritative studies establishing the specific design elements of a successful family-based re-entry program. Very few studies have been completed documenting the success of the various programs offered around the country. And, while many of these programs appear to be promising based on informal evaluations and feedback offered by participants, many of the programming options have not been conclusively proven to be effective at easing the transition from prison to home and reducing rates of recidivism among participants. As Undersecretary Woodford indicated on November 9, 2005, “funded programs must be effective.”¹⁴⁶ The absence of comprehensive program evaluations does not, however, bar the integration of such programs into California’s prison system. Undersecretary Woodford has indicated that pilot programs, designed to test the effectiveness of programs based on “best practices” are a possibility and, if these pilot programs prove to be successful, large-scale adoption would be feasible.¹⁴⁷

The challenges inherent in identifying successful programs *ex ante* having been acknowledged, studies have indicated that several elements are common among prison

¹⁴⁴ CALIFORNIA DEP’T OF CORR. AND REHAB., *supra* note 3, at 10a.

¹⁴⁵ The concept of gradual integration of institutional change is not foreign to the CDCR. Undersecretary Jeanne Woodford, in a visit to our class, explained the gradual change envisioned for the youth correctional facilities. Additionally, space would become available as other programs are implemented in conjunction with family-based programs. Specifically, Undersecretary Woodford cited increased use of community beds in order to increase the programming space (which is currently only adequate to serve 10% of incarcerated individuals). Jeanne Woodford, Undersecretary, California Department of Corrections and Rehabilitation, Presentation to the California Prison Reform Class, Stanford Law School, Nov. 9, 2005.

¹⁴⁶ Woodford, *supra* note 145.

¹⁴⁷ *Id.*

programs that have proven to successfully reduce recidivism. First, successful programs generally begin in prison and continue following release into the community. Second, these programs are most helpful if they are intensive, lasting six months or longer. Third, recidivism is reduced the most if programs focus on high-risk offenders, with risk level determined by standardized classification instruments. Fourth, successful programs incorporate cognitive-behavioral treatment techniques to assist offenders in defining the problems that led them into conflicts with the authorities, select goals, generate solutions to potential problems, and learn to utilize these new skills. Finally, the program that is ultimately implemented should utilize methods of positive reinforcement.¹⁴⁸ With these elements in mind and drawing upon the formal and informal evaluations available for existing program structures, I have identified short-term and long-term family-based programming goals that will complement the structure and purpose of the pre-release support services that are being currently developed and implemented to assist offenders with the re-entry process.

C) Short-Term Incorporation

I propose that the CDCR begins to implement family-based re-entry programming by drawing upon the existing model of the PPP's collaborative approach, which utilizes the skills of parole specialists, social workers, and the offenders themselves in planning for post-release services. As the PPP expands and services are made available to more incarcerated individuals, a greater percentage of offenders will have the opportunity to access this resource. Specifically, I propose establishing an active partnership similar to the one envisioned by Family Justice between parole specialists, social workers, offenders, and their families in implementing the release plans designed within the existing PPP structure.

The approach adopted by Family Justice of incorporating family members into the release process has been proven to increase the success of offenders without the adoption of any additional programs or the allocation or creation of new resources.¹⁴⁹ While Family Justice initially implemented its programs using the La Bodega case-manager model, this structure is very expensive. Rather than adopting the La Bodega model, I

¹⁴⁸ Petersilia, *supra* note 31, at 6.

¹⁴⁹ Sullivan, Mino, Nelson & Pope, *supra* note 79.

propose that the parole specialists already employed by the California Department of Corrections and Rehabilitation receive training offered by Family Justice, which will teach them to utilize the resources of the family in implementing the programs designed within the PPP's existing structure. Practically speaking, parole specialists would familiarize themselves with the release plan developed through the PPP's interview and evaluation, and then meet with the offender to discuss that plan prior to release. Then, the parole specialist would contact the parole agent assigned as the offender's agent of record, who would then review the release plan and meet with the offender's family.¹⁵⁰ The parole agent, drawing upon the Ecomaps and Genograms developed by Family Justice, would assist the family with identifying valuable community resources upon which the family can draw.¹⁵¹ Through this exercise, the family members will be able to visualize the strengths inherent in their family connections, which can help "motivate families to take action where they have been previously unable to see their abilities or felt unable to exercise power."¹⁵² Family members will also begin to form a collaborative relationship with the agent of record, which can facilitate family members turning to the parole agent as an ally in the struggle to reintegrate their loved one, rather than viewing him or her as an enemy. Because this approach can lead to the formation of a partnership between the parole agent, the offender, and the offender's family, this cooperation allows offenders and their families to view their parole agents, not as hostile forces, but as resources they can turn to in a time of crisis to assist them with finding treatment in a time of relapse and other programs that may assist the offender with specific challenges they are facing.

Through an emphasis on the strengths of individuals rather than their weaknesses, as well as by giving offenders and their families an opportunity to visually appreciate the array of support and resources available to them, both the offenders and their family members are encouraged to build confidence and coping skills throughout the re-entry process. The formation of a collaborative partnership between family members, the

¹⁵⁰ I envision that "family" would be defined broadly to incorporate whichever individual or group of individuals the offender will primarily rely on as his or her support structure following release from prison.

¹⁵¹ See Shapiro & Sawicki, *Interfamilial Crime and Prisoner Reentry*, *supra* note 66; Shapiro, *Families: A Critical Resource for New Jersey's Prisoner Reentry Strategy*, *supra* note 67.

¹⁵² Shapiro, *Families: A Critical Resource for New Jersey's Prisoner Reentry Strategy*, *supra* note 67, at 9.

offender, and the parole agent of record allows the parole agent to mobilize available community resources immediately in a time of crisis while simultaneously providing the offender with an opportunity to pursue treatment options upon relapse, rather than returning to custody on a parole violation. This early intervention serves the offender more effectively than an additional period of incarceration (after which they will have to experience the re-entry process again) and enhances public safety by ensuring that steps are immediately taken to protect the community from any potential threat. By drawing upon the previously untapped resources of the family in a new way, parole agents will facilitate the successful reintegration of the offender into society, will be able to assist offenders more effectively as a result of an approach that emphasizes strengths and possibilities rather than flaws and weaknesses, and will also facilitate the reconstruction of healthier relationships with those close to the offender, which has been proven to improve the chances of a parolee's successful reintegration.

According to Frank Colino, a parole supervisor for San Mateo County located in Redwood City, California, families can be valuable allies if the parole officer “work[s] out a trust and a compassion. If you don’t show the family that you have compassion, then they’re never going to call you.”¹⁵³ According to Mr. Colino, perhaps as many as twenty percent of parole agents already sit down and introduce themselves to the families of parolees and give their card to that family member. These parole agents tell the families that “if you have a problem, you can reach me 24-7. If [the families] know that help is there, they will reach out and get that help.”¹⁵⁴ Yet, he estimates that another thirty percent of all parole agents think of themselves as law enforcement rather than as “wear[ing] two hats: social services and officer of the law.”¹⁵⁵ The remaining percentage, he speculates, are not dedicated to any particular conception of their role. As the examinations for parole agent positions once again resume open status in 2006,¹⁵⁶ it is likely that individuals interested in the dual law-enforcement/social-services role will apply for and fill parole positions within the state, thereby further facilitating the

¹⁵³ Frank Colino, Parole Supervisor, San Mateo County, Redwood City, California Department of Corrections and Rehabilitation, Remarks before the California Prison Reform Class, Stanford Law School, Oct. 12, 2005.

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ Woodford, *supra* note 145.

transition to a family-based approach. Mr. Colino also suggests that many parole agents will understand this approach intuitively. Because parole agents often get to know families of offenders intimately, it makes sense to assign family members who are on parole to the same parole agent, and it will reduce the individual workload of each parole agent if they actively work with all parolees to promote family support: “If you can fix the problem in the beginning, your paperwork is going to drop in half, [and] the less time you [will] have to lock these people up. Your caseload will drop off and there won’t be that many people engaged in recidivism.”¹⁵⁷

While this short-term integration of family support into the re-entry process does not particularly target high-risk offenders or specifically incorporate cognitive-behavioral treatment techniques, it has the benefits of beginning in prison with the PPP services and the construction of an individualized release plan and continuing following release into the community where the offender and his family work collaboratively with the parole agent to ensure a higher probability of a successful transition. This approach would also be intensive for many offenders, as the average parole term lasts anywhere from one to three years.¹⁵⁸ Positive reinforcement would also be utilized, as the parole agent of record works with the offender and his family to seek alternatives to incarceration when problems are identified immediately and the parole agent is contacted for assistance in getting the family member back on track using available resources and treatment options.

D) Long-Term Goals

As space eventually becomes available for in-prison programs, whether in a specialized place in each of California’s facilities or at one or two facilities dedicated specifically to the pre-release preparation, California should gradually incorporate an in-prison component to the family-based release planning, as that is one of the indicators of a successful transition program.¹⁵⁹ Although formal evaluations have not yet been completed for Project Greenlight or the Osborne Association’s FamilyWorks program, results of formal evaluations are pending, and because those programs manifested the greatest number of strengths, a combination of the two approaches that incorporates the

¹⁵⁷ Colino, *supra* note 153.

¹⁵⁸ Marcus Nieto, *Adult Parole and Probation in California*, CALIFORNIA RESEARCH BUREAU 7 (Sept. 2003), at <http://www.library.ca.gov/crb/03/09/03-009.pdf#search='california%20parole'>.

¹⁵⁹ Petersilia, *supra* note 31, at 6.

strengths of each program would be most likely to best serve re-entering offenders in California.¹⁶⁰

1. Timing and Location

While Project Greenlight's pre-release programming lasted one month and the FamilyWorks standard services typically last four months, it makes sense for California's integration of family services to begin at the same time offenders begin to prepare for release with the Parole Planning and Placement Program's initial interviews, which take place 240 days prior to release.¹⁶¹ At that time, the PSA can discuss the offender's family support system and the possibility of incorporating family services into his or her pre-release planning. Any potential sources of intra-family circumstances indicating that family support would not be an appropriate model for an individual (physical abuse, sexual assault, violent crimes committed against family members, etc.) could be identified at that point, as well. The PSA could also inquire of inmates whether they would like to be the ones to approach family members about participating, whether they would prefer to have a correctional official make the initial contact, or how they would feel most comfortable approaching their families about their release plans and the support they would like to receive. It will be important to stress the fact that family involvement has been shown to increase the success of parolees and reduce rates of recidivism, as well as explaining that family support programs are not solely for people with "family problems."¹⁶² Because many offenders may be reluctant to burden their families or reconnect with them in an institutionalized setting and many family members may be reluctant to inconvenience themselves to meet with offenders who may be housed far from their family's residence, it will be vital to stress the benefits of participation to both offenders and their families. Allowing for a long time period over which programming can take place allows offenders and their family members time to adjust to the concept of

¹⁶⁰ If the results of these evaluations become available prior to the availability of programming space, California can take the results of those evaluations into consideration in determining which program structure would better suit the needs of their inmates and which structure would be more likely to lead to reduced rates of recidivism. I am proceeding here on the basis of my informal evaluations, discussed above, and have combined the strengths of both programs to arrive at this modified amalgamation of the two.

¹⁶¹ As additional offenders are incorporated into the PPP's structure, this time frame may accelerate accordingly, based on an individual's length of stay in prison.

¹⁶² Bobbit & Nelson, *supra* note 36, at 5.

a collaborative pre-release partnership with prison authorities, parole agents, family members, and the offender in question.

The length of services provided would ideally mirror the four-month time period established by the FamilyWorks program and Family Re-Entry Inc. Because the offender is targeted by the CDCR to receive pre-release screening roughly eight months prior to release, this allows the offender time to contact family members and loved ones to participate in any programming options. Additionally, because the services provided would span a standard four-month time period, inmates would have the opportunity to seek additional counseling and support after the formal program ends, as well as to practice the skills they learned in the structured environment throughout the remainder of their pre-release interactions with family members. This extended time period would give family members additional time to prepare for release and mobilize their resources to prepare for the offender's return home after challenges are identified and possible solutions identified.

The location of services will also be an issue that the CDCR will need to address in designing and implementing family-based services inside correctional facilities. Currently, inmates are not automatically housed in institutions closest to their families' residences. Indeed, California's correctional facilities are often located in remote areas of California, making it inconvenient for family members to visit and participate in in-prison programming. As California continues to reform its prison system, it may make sense to transfer offenders to institutions geographically near the residences of their families prior to release, in order to provide offenders with maximum exposure to their family resources, as well as to the resources in the communities to which they will ultimately return. Alternatively, California may choose to adopt a structure where several institutions serve as release centers, preparing inmates for the transition into their communities. Regardless of the structure California ultimately chooses to adopt, as both have inherent benefits and drawbacks, it will need to develop family-based programs with geographic concerns in mind. If family-based support services are offered in the evenings or on weekends, family members may be able to more easily facilitate transportation to the appropriate correctional facility in order to participate with offenders as they prepare for release. Additional options, such as video conferencing technology,

could allow family members to participate from a central location near their homes without having to travel excessive distances to support their incarcerated family member.

2. Offender/Family Interaction

The programs developed by both Project Greenlight and FamilyWorks incorporate offender-only classes, where the offender learns various skills, ranging from anger-management to parenting skills through various reading projects, interactive discussions, and role playing activities. Additionally, the FamilyWorks program incorporates structured visits, where the offender is able to put his or her newfound interpersonal skills into practice in a monitored, supported environment. Project Greenlight also features family therapy sessions within the prison, prior to release, so that inmates and their families can share expectations and reservations in advance, which allows time to work through and develop solutions for any potential conflicts that may arise in a mediated, problem-solving atmosphere.

This combination of gradual, structured family interactions and individualized lessons given to the inmates, apart from any family visits, allows the offenders the opportunity to learn and internalize the interactive and coping skills necessary to communicate effectively with family members in an environment that allows them to test and build these skills through education and interactive role playing without exposing family members to these initial steps towards effective interaction. Allowing for structured family visits where offenders are given the opportunity to put their new skills into practice while still being supported by prison staff gives the incarcerated individuals the opportunity to build confidence as they incorporate the skills they have learned into their communication with family members. Finally, family counseling opportunities provide a neutral environment where fears, expectations, and reservations can be shared, anticipated, and dealt with productively in advance of the immediate stress of re-entry. This threefold approach not only provides the most flexibility for the offender and his or her family to participate in the ways most comfortable for them, but also provides multiple levels of reinforcement for the skills learned and implemented by the incarcerated family member.

Additionally, family members can provide input into the release plan developed by the parole specialist, social worker, and offender. Through the early incorporation of

Ecomaps and Genograms, discussed above, families and inmates learn to appreciate the networks of support that they have available and can begin to brainstorm different avenues of support and resources that are available to them prior to release so that these assets are readily accessible when they are needed. As offenders transition from the prison setting to the outside world, the skills they have learned and the family support system they have built while inside prison will allow them to continue to rely on family members and parole officers for support and encouragement during the parole period, resulting in early intervention and the immediate allocation of resources to both better safeguard the community and allow the offender the best chance at a successful reintegration. The parole agents serve as a valuable post-incarceration resource who is available for families, as needed, to assist with solving any problems that may arise.

3. Targeting Participants

A family-based program may not be able to target high-risk offenders, as determined using standardized classification instruments. Because the selection process itself is highly dependent on the nature of the offender's relationship with his or her family, as well as the willingness of family members to participate in such an in-prison program, targeting solely high-risk offenders may not be practical. Rather, because this program dovetails so nicely with the PPP's services, I propose integrating this program to offenders as they become eligible for other pre-release preparation services. This will ensure a uniform expansion of the family-based elements of pre-release alongside the expansion of other pre-release programming opportunities. Ultimately, as the PPP's pre-release services become available to nearly every incarcerated individual, so too will the family-based programming that complements this approach. This is not to suggest that any inmate who would like to participate in the program would be excluded simply because his or her release date is not imminent; rather, if space is available in classes and counseling sessions, encouraging offenders to take advantage of this resource is cost-effective, as it will allow these offenders to build stronger positive relationships with family member outside of prison, which will, in turn, lead to better family support and connections and a greater chance of success upon release.

4. Program Content

I propose adopting much of the program content offered by the FamilyWorks program, which is designed to allow offenders to face and acknowledge painful realities associated with their family lives while simultaneously learning the skills necessary to reclaim their roles as positive members of a family, whether that be as parents, siblings, extended family members, or adult children. Supplemental courses in life skills are also offered to offenders to improve the ways in which offenders relate to their children and other family members.¹⁶³ Through exposure to information on “child development, the impact of substance abuse, communication skills, and ethics and moral reasoning,” as well as through reading the works of Maslow and Erikson, writing extensively, and engaging in role-playing, offenders learn to appreciate the ways in which their imprisonment has affected their relationship with family members.¹⁶⁴ In the family counseling sessions, which I propose should be modeled after the sessions utilized in Project Greenlight, offender and family expectations can be addressed, as well as general issues relating to the stress of re-entry and the various requirements associated with it (obtaining valid forms of state identification, understanding the terms of parole and the supporting role of the parole agent, working collaboratively to create a release plan that identifies resources and establishes timelines to ensure that family members are committed to helping the offender implement the plan both in concrete ways and emotionally) to ensure that family members and the offender understand the challenges they will be facing and provide an opportunity to troubleshoot and plan solutions in advance.

5. Staffing and Budgetary Concerns

Implementation of in-prison family-based re-entry support would require the allocation of additional staffing resources. Project Greenlight’s model utilized one full-time and one part-time staff person, who provided services to the inmates and their families in the group counseling sessions. Because family counseling was provided to groups of families, with up to five families in each group, the number of staff necessary to complete this task in each facility would not be extensive.¹⁶⁵ It is unclear what staffing

¹⁶³ Losak, *supra* note 94.

¹⁶⁴ The Osborne Association, *supra* note 97.

¹⁶⁵ Bobbitt & Nelson, *supra* note 36.

needs are implicated by the FamilyWorks structure, as this information is not available to the public. What is clear, however, is that the implementation of family-based re-entry preparation will require additional personnel. California may wish to explore the possibility of using trained students at the Master's, Ph.D., or undergraduate level to provide some of these services, as Texas has with its Family Support Program and Connecticut has with Family Re-Entry Inc.¹⁶⁶ Presenting this opportunity to students who receive specialized training would allow the state to receive some services free of charge while simultaneously providing future professionals with valuable internship experience in an area in which they can have a positive impact. However the program is staffed, whether using volunteers or full- and part-time professionals, or a combination thereof, some additional expense is unavoidable.

E) Mitigating Potential Political and Economic Concerns

Some politicians may balk at the concept of expending additional state funds to provide family-based re-entry services to inmates, despite Governor Schwarzenegger's public commitment to reforming the state's correctional system. Recent surveys suggest, however, that Californians are overwhelmingly in support of restructuring the correctional system to provide additional services to inmates both prior to and following release. According to a survey conducted by the National Council on Crime and Delinquency in May of 2004, "Californians favor using state funds to rehabilitate prisoners *both* during incarceration *and* after their release from prison as opposed to punishment only."¹⁶⁷ This preference on the part of Californians is overwhelming, as Californians prefer a rehabilitative prison system over a purely punitive system by "almost an 8 to 1 margin (63% to 8%)."¹⁶⁸ Additionally, by "almost 2 to 1 (45% vs. 24%), Californians believe that providing rehabilitation services to inmates *both* while they are serving time *and* after they have been released would be least costly to the state in the long run."¹⁶⁹ The results of this survey suggest that, while politicians may view restructuring the state's correctional system to provide inmates with additional services as

¹⁶⁶ Johnson, Selber & Lauderdale, *supra* note 112; Family Re-Entry, Inc, *supra* note 52.

¹⁶⁷ Barry Krisberg, Jessica Craine & Susan Marchionna, *Attitudes of Californians toward Effective Correctional Policies*, NCCD FOCUS: VIEWS FROM THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY (June 2004), at http://www.nccd-crc.org/nccd/n_pubs_main.html.

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

politically risky, Californians would support prison reform measures that rehabilitate offenders. Rather than viewing prison-based services as gifts to offenders or unnecessary assistance with self-betterment, it would be more accurate to portray prison-based services as ensuring that offenders are not “just sitting [in prison] wasting time” but are, instead, using their time behind bars to prepare them to rejoin society as productive, positive members.¹⁷⁰

Additionally, prison reform is not necessarily an issue that the public would perceive as being “soft on crime” or contrary to the interests of protecting public safety. Indeed, opinion polls demonstrate that “[w]ell over half of Californians surveyed (56%) think that rehabilitating and educating offenders outside of prison would reduce the state’s crime problem.”¹⁷¹ Comparing the 2004 response to public survey results with respect to a similar question in 1982 reveals that public opinion has shifted from a skeptical viewpoint with respect to rehabilitation to one where rehabilitation is seen as a tool that should be used to safeguard public safety: “When a similar question was asked in 1982, only 35% of Californians agreed” that rehabilitation services reduce the prevalence of crime in the state.¹⁷² Because many Californians (34%) believe that inmates returning to society are more likely to commit future crimes,¹⁷³ providing offenders with rehabilitative services, like family-based re-entry programming, which promise to reduce the rate of recidivism, would allow politicians to better protect the public safety by ensuring that offenders leave prison with the resources they need to successfully reintegrate into society.

Economic concerns are also a valid concern when deciding whether or not to adopt family-based re-entry programming in California. Implementation of either the short-term or long-term programming options described above will require that additional financial resources be allocated to support them. However, it is important to keep in mind that each parolee currently costs the California Department of Corrections and Rehabilitation an average of \$3,364 per year.¹⁷⁴ With approximately 113,994 individuals

¹⁷⁰ The Osborne Association, *Father Shares Love, Lessons, and Values Behind Bars*, *supra* note 102, at 5.

¹⁷¹ Krisberg, Craine & Marchionna, *supra* note 168.

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ California Dep’t of Corr. and Rehab., *supra* note 5.

in California are currently on parole and “67 percent of all California prison admissions” resulting from parole revocations rather than new admissions, many paroled individuals cost the state considerably more money upon reincarceration.¹⁷⁵ In 2004, parole violators who were returned to prison cost the state approximately 900 million dollars.¹⁷⁶ If a family-based re-entry program were implemented using all proven indicators of a successful re-entry program, it could have the potential to reduce rates of recidivism by up to 30%, which would go far towards reducing the high cost of reincarcerating parolees when they fail to meet the conditions of their release.¹⁷⁷ Ultimately, while implementing family-based re-entry programs would require an initial additional allocation of funding, reductions in recidivism would eventually reduce the overall cost of each offender to the state.

F) Expected Impact of Incorporating Family-Based Programming

If family-based programming ultimately results in a significant reduction in rates of recidivism (as it promises to), this will, as discussed above, have the positive effect of reducing the expenses associated with reincarcerating parolees, which will, in turn, reduce the overall state corrections budget, thereby allowing for reallocation of those resources to other areas within the state.

Because “families are important to prisoners and the achievement of major social goals, including the prevention of recidivism and delinquency,” the introduction of family-based programming can produce “positive results for prisoners, families, institutions, and communities.”¹⁷⁸ Raising the success rate of prisoners’ reintegration into society by utilizing the strength of families will mitigate the societal costs of imprisonment alongside its more obvious economic effects. Children, in particular, are noteworthy beneficiaries of increased contact with incarcerated parents and the formation of healthy relationships with them both prior to and following release. Through the development of opportunities for offenders to learn to use and practice the important interpersonal skills necessary for a successful reintegration, they also learn to re-connect with the important family members in their lives and interact with them in a way that

¹⁷⁵ CALIFORNIA DEP’T OF CORR. AND REHAB., *supra* note 7; PETERSILIA, *supra* note 8.

¹⁷⁶ LITTLE HOOVER COMMISSION, *supra* note 9, at ii.

¹⁷⁷ Petersilia, *supra* note 31, at 7.

¹⁷⁸ Hairston, *supra* note 17.

fosters healthy relationships and role models. Family-based programs, by teaching both offenders and families how to interact in constructive, collaborative, and productive ways, are an asset and a support system for the families of offenders as they work to rebuild their lives following the disruption of incarceration. These programs, through the reparation of important family relationships and connections that provide parolees with a greater chance at a successful reintegration, strengthen the larger community, as well as the individual and his or her family. Especially if an offender is from a community where a substantial percentage of the population is or has been incarcerated, strengthening these family ties, developing interpersonal skills, and successfully avoiding reincarceration ensures that these communities will not be further weakened by a cycle of crime that results in the continual disruption of family and community life upon incarceration.

9. Conclusion

California's prison system needs to change. Physical facilities are overcrowded, the state's rate of recidivism is very high, and despite the efforts of local law and policymakers to reduce the number of incarcerated Californians, the state prison population continues to grow. This increased rate of incarceration has affected not only the state's budget, but also the families and communities from which offenders come and to which offenders will return. Because such a high percentage of the state's prisoners each year are parolees who have failed to successfully reintegrate into society, reducing the rate of recidivism will do much to decrease the size and cost of the state's prison system.

The adoption of family-based programming, both short-term and long-term, can help California achieve its vision of "end[ing] the causes and tragic effects of crime, violence, and victimization in our communities through a collaborative effort that provides . . . quality services from [the] time of arrest [and] successful integration back into society."¹⁷⁹ The creation of a system in which family-based programming and the inherent resources of the family are tapped, strengthened, and encouraged to provide offenders with an invaluable support structure as they transition into society will give

¹⁷⁹ State of California Youth and Adult Correctional Agency, STRATEGIC PLAN 10 (Jan. 2005), at <http://www.cdcr.ca.gov/PDFs/StrategicPlanJan2005.pdf>.

incarcerated individuals yet another resource upon which they can draw as they attempt to successfully complete parole and reintegrate into society. Additionally, the mission of the CDCR, “[t]o improve public safety through evidence based crime prevention and recidivism reduction strategies,” will be advanced through the adoption of family-based programs, which promise to reduce recidivism and improve public safety.¹⁸⁰

The adoption of family-based re-entry programming will also mitigate the harmful collateral effects that incarceration has on the families and communities connected to the offender by providing individuals with the resources and the support they need to adopt positive interactive skills with their family members and those with whom they will necessarily engage following release from prison.

In short, while the adoption of family-based programming will require the allocation of initial resources and funding, its gradual integration first into the existing structure of the PPP and involving families as support structures post-release, and then as in-prison rehabilitative programs, the long-term benefits that family programming will have, both on the families and communities affected by incarceration and on the state’s budget, favor the adoption of family-based programming as a rehabilitative tool by the California Department of Corrections and Rehabilitation.

¹⁸⁰ *Id.*