

## **Freedom and failure**

### **Locking up prisoners is one thing; getting them back into society is another**

FRANK GREEN

Published in the *Richmond Times-Dispatch*

July 31, 2004

*These articles were prepared with the assistance of the Annenberg Institute for Justice and Journalism at the University of Southern California. Times-Dispatch staff writer Frank Green was a 2004 fellow at the institute. Green, a Times-Dispatch reporter since 1980, covers criminal-justice issues, including corrections and capital punishment.*

*Every year more than 10,000 released Virginia inmates return to their communities. Many arrive unprepared for freedom and poised to resume their criminal lives.*

Nearly a decade after the end of parole, almost one-third of all Virginia inmates walk out of prison to freedom each year.

About a third of them, unprepared for society or unrepentant for their crimes, will be back behind bars within three years.

On April 20, Shomari Harith Kenyatta tasted freedom for the third time. The first time was a brief escape; the second, a parole that lasted 18 months. This time, Kenyatta, 53, wants to stay out for good but is worried about his chances - with no family, no steady job and no car.

"Let's say my situation deteriorates and my only way of surviving is to commit another crime," he said. "If I go out and commit a crime, it's going to be on my mind that if I get caught, I'm going to spend the rest of my life in prison."

Across the country this year, more than 600,000 state and federal convicts - nearly half the prison population nationwide - are expected to emerge from warrens of concrete, steel and razor wire to move into our communities.

The numbers have profound ramifications for taxpayers and public safety. Many of those let out never break another law. But many others pick up where they left off, smarter and meaner.

"We've been absorbing a lot of people from the prison systems into our communities in the United States for a long time . . . a mind-blowing number," said Todd R. Clear, a criminologist at City University of New York.

In 1971, there were 200,000 prison inmates. Today, there are 1.4 million, and more than 95 percent of them will be released.

"Never before has a nation had a 30-year sustained period of increasing prison populations," Clear said. "It's the most profound social experiment we've engaged in in the last century."

And one of the experiment's troubling findings is that a lot of freed inmates quickly wind up back behind bars.

In 1995, Gov. George Allen made good on his promise to end parole and establish tougher sentencing guidelines for violent criminals, an effort to shut the "revolving door of justice." He complained that three out of four violent crimes were committed by repeat offenders.

Nearly 10 years later, violent criminals are serving substantially longer sentences, but the average time served for all inmates is less than four years. And according to the most recent data available, it appears that three out of four violent crimes are committed by repeat offenders.

As of the end of June 2003, 32.5 percent of Virginia inmates were repeat offenders, and more than 26 percent of incoming prisoners were repeat offenders, according to the Department of Corrections. The number of repeat offenders entering Virginia prisons increased from 18.3 percent in 1998 to 26.1 percent in 2003.

Be it the failure of prisons, shortcomings of parole and probation, or criminals who are beyond rehabilitation, a major challenge facing Virginia and other states is to prevent more freed convicts from returning to prison.

As states have become strapped for revenue, the re-entry of inmates into society has become a top focus of corrections experts and officials across the country.

In his State of the Union address in January, President Bush proposed a \$300 million "re-entry initiative" for released prisoners: "We know from long experience that if they can't find work, or a home, or help, they are much more likely to commit crime and return to prison."

H. Scott Richeson, with the state Department of Corrections for 23 years, said: "We've always thought that the worst thing you can do is have someone locked up forever and then spit them out. . . . Maybe people are finally getting smart."

The prognosis isn't rosy. According to the National Institute of Corrections, the transition process from prison to community "is deeply flawed in most states."

Since the early 1970s, despite many programs and efforts, the percentage of former inmates who returned to prison within three years has stubbornly remained around 30 percent to 36 percent.

One such offender is Kenyatta.

Initially imprisoned for burglary, Kenyatta escaped from prison work camp in 1972 and committed two armed robberies in the five days he was out.

Captured and sent to the Virginia State Penitentiary, he stabbed two inmates. He was paroled in 1982, but in 1984 he fired a handgun at police officers near a West Grace Street bar.

Kenyatta missed, the police didn't. He was shot twice and sent back to prison.

When he was freed again and arrived in Richmond in April, he had \$176 in his pocket, state shoes on his feet, no family and no job.

Ahead of him was the challenge of a lifetime. Institutionalized for most of his adult life, he must rejoin society under a list of rules, demands and restrictions that would tax people who have family, jobs, homes, transportation and other assistance.

In addition to legally supporting themselves with minimum or part-time wages, many released convicts must pay any overdue child support, court fines, fees, restitution and other costs.

Many of them fail - with dangerous consequences for public safety.

Reducing the number who fail won't be easy. Government and private services available to help are limited.

A Justice Department study pointed out that in recent decades, more money has been spent on more prisons, but not for more rehabilitation. As a result, "fewer inmates leave prison having addressed their work, education and substance-abuse problems."

Funding has also not kept pace with demand in Virginia, said Barry Green, deputy public safety director.

Probation and parole has come close to holding its own. In 1986 there were 530 officers supervising 34,980 offenders, or one officer for every 66 offenders; today there are 639 officers and 47,465 offenders, or one officer for every 74 offenders.

But some officers with particularly dangerous offenders may have lower caseloads, and some of the officers are supervisors.

"We could use more [money] - it's not that we can't deal with the most serious problems, it's the ones that fall below that serious category that are toughest to deal with," Green said.

A lack of funding is not the only problem facing those just released in Virginia.

A two-year study of the legal roadblocks facing convicts re-entering society contends that only three states - Colorado, South Carolina and Georgia - make it more difficult than Virginia for inmates to readjust.

The study, released this year, was conducted by the Legal Action Center, a nonprofit law and policy organization that opposes discrimination against people with histories of addiction, HIV/AIDS or criminal records.

In Virginia, the study found, among other things, that employers and licensing authorities can refuse to hire anyone with a criminal record, drug felons are barred from public assistance and food stamps for life, and voting rights can be restored only by the governor.

A recent American Bar Association commission study recommended that Congress and state legislatures eliminate many such legal barriers.

The social toll caused by the constant churning of criminals in and out of prison and on and off streets is felt greatest in the communities and neighborhoods where most of it is taking place, according to the Justice Department and other experts.

Clear, a professor at the John Jay College of Criminal Justice of the City University of New York, said poor minority neighborhoods are those hit hardest by the churning.

Half of the people locked up are ages 18 to 35, Clear said. At that age, "you define the social networks of your life. That's the parenting ages, that's the child-rearing ages."

Also, Clear noted the disproportionate racial makeup of the prison population. For example, 40 percent of those locked up are black.

"Today, 12 percent of black males in their 20s are locked up in prison or jail," Clear said. "If the pattern continues, a black male born today has a 33 percent chance of going to jail in his lifetime.

"Each person that leaves [for prison] takes a problem with them. But when a whole host of them leave, their leaving itself becomes a problem," said Clear, who has studied the phenomenon.

Both absorbing and sending off criminals disrupts communities, he said.

A study he worked on in 1998 in Tallahassee, Fla., found a "tipping point" where the removal of criminals in neighborhoods began causing more crime than it prevented. When you remove killers and rapists you get a high payoff - you save lives and prevent rapes, he said.

"But as you dip deeper into the criminal pool" and start removing people for lesser crimes, the payoffs diminish and you start creating problems, Clear contends.

Young male criminals contribute much that is useful to the community, such as protection and money for mothers and girlfriends who have their children, and child care, he said.

And many of those leaving prison on probation or parole are doomed to return, said Michael Jacobson, a criminologist. They have histories of drug abuse, mental illness, poor education and poor job skills, and they are made to comply with a host of duties.

Jacobson, a former corrections and probation commissioner in New York City, says that when difficult demands are imposed on newly released inmates, "an unbelievable number are going to violate parole."

"It's how you respond to that that is the key," he said. "If your response is, 'Well, we're just going to catch you and send you back,' then it's like shooting fish in a barrel.

"If you understand that they will violate and decide to do something before they get to be a problem, ultimately, you'll save money," Jacobson said. "But the problem in this fiscal climate is you have to have that initial investment to create those kinds of alternatives" to prison.

Those alternatives include accessible drug-treatment programs, electronic monitoring of parolees and day reporting centers where offenders report before and after work each day. Virginia has all those programs and more. But some, like in-patient drug-abuse treatment, are only available to a relative few.

"Unless they're lucky enough to have a family who wants them and is understanding and willing to put up with all the changes that have occurred since they were locked up, they're not really in a position to make it out there," said Green, Virginia's deputy public safety director.

"Many of them are going to wind up on the street out there, and a lot of them have mental-health issues," he said.

**This story can be found at:**

[http://www.timesdispatch.com/servlet/Satellite?pagename=RTD%2FMGArticle%2FRTD\\_BasicArticle&c=MGArticle&cid=1031777028770&path=%21news&s=1045855934842](http://www.timesdispatch.com/servlet/Satellite?pagename=RTD%2FMGArticle%2FRTD_BasicArticle&c=MGArticle&cid=1031777028770&path=%21news&s=1045855934842)

SLIDESHOW: Revolving Doors can be found at:

[http://www.timesdispatch.com/servlet/Satellite?pagename=RTD%2FMGArticle%2FRTD\\_BasicArticle&c=MGArticle&cid=1031777026638&path=%21news&s=1045855934842d](http://www.timesdispatch.com/servlet/Satellite?pagename=RTD%2FMGArticle%2FRTD_BasicArticle&c=MGArticle&cid=1031777026638&path=%21news&s=1045855934842d)