

Statement of
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Crime, Terrorism, and Homeland Security,
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"Reauthorization of the Second Chance Act"

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Mr. Chairman and members of the Subcommittee,

Thank you for the opportunity to speak today on the reauthorization of the Second Chance Act (SCA).¹

This is an issue of great importance, as states and localities need all the federal support they can get to prepare prisoners for successful reintegration into their communities. Jurisdictions are strapped for funds, and in this current economic climate, vocational, education, and treatment programs behind bars are often the first items on the chopping block. The irony is that these are the investments that hold the greatest promise for increased public safety. Cutting reentry programs will do nothing to stem the tide of offenders returning to prison; on the contrary, it will simply increase the odds that released prisoners will reoffend and that prisons will remain filled to capacity. Federal assistance through the Second Chance Act can therefore ensure that programs are maintained and even expanded, a strategy that can increase public safety and save jurisdictions money through reduced reoffending.

But how can Second Chance dollars be used most effectively, and how can we measure the impact of those investments on public safety? The answer is three-fold: (1) fund grantees in phases; (2) ensure that the first phase includes a funded research partner to help collect and analyze data; and (3)

make grantees accountable through the measurement of program inputs, outcomes, and impacts. These three steps are derived from the Urban Institute's experiences working with dozens of states and counties engaged in reentry programs over the past decade, and are also embodied in the Office of the Inspector General's (OIG) (2010) report, "The Office of Justice Programs' Management of Its Offender Reentry Initiatives."

Our experiences over the last ten years providing research and evaluation support to state and county reentry initiatives have yielded both positive developments and critical challenges. The good news is that jurisdictions are increasingly embracing a collaborative model involving a wide array of criminal justice agencies, service providers, and community stakeholders based on the understanding that the most effective reentry programs are holistic in nature, begin behind bars, and continue in the community. The bad news is that many jurisdictions are woefully ill-equipped to understand basic facts about the risks and needs of their reentry population and therefore lack the information to target services to needs and identify specific subpopulations on which to focus resources.

The underlying problem rests with antiquated and disparate data systems and limited funds with which to hire trained analysts. The result is the inefficient allocation of scarce treatment and programming resources, which ultimately fails to increase public safety. The Second Chance Act has made strides in addressing these data challenges, providing technical assistance and online resources, implementing a performance measurement system to keep grantees on task and accountable, and creating a repository of evidence-based practices that can guide the development and implementation of successful reentry initiatives.

Indeed, many jurisdictions are challenged in crafting programs without good data because they are told they must implement "evidence-based practice." What that means is that they should only be engaged in programs, services, and practices that rigorous research has definitively determined are effective. The call for evidence-based practice comes from policymakers, national criminal justice professional associations, and the academic community. Unfortunately, there is no one place that

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practitioners can go to find that evidence, leaving them to wade through the large body of research on their own.

In response to this challenge, the Urban Institute has partnered with the Council of State Governments' National Reentry Resource Center to develop a *What Works in Reentry Online Library*. We have identified over 1,000 studies evaluating a wide array of reentry programs, which we are in the process of coding according to both rigor and findings. Findings by type of intervention will be integrated into an easily searchable online database housed within the National Reentry Resource Center's web site. Without funding through the Second Chance Act, this effort to distill and make evidence readily accessible to the field would not be possible.

While the compilation of evidence on effective reentry strategies is sure to be a popular resource for the field, the same data problems that hinder jurisdictions' efforts to craft effective programs plague researchers' abilities to contribute new evidence to the repository. As evaluators, we are often challenged with obtaining the criminal and substance abuse history, program, and treatment participation data necessary to conduct rigorous evaluations. Without these data we are unable to control for intervening factors that may predict reentry success or failure regardless of program participation.

Even when such data are available, evaluations are often held up against what is known as the "gold standard"—randomized controlled experiments whereby study participants are assigned to treatment or control groups. While under perfect conditions, such experiments are inarguably the most rigorous form of evaluation, federal funders often impose experimental design requirements on grantees without first investing resources to assess the feasibility of employing a particular design. For example, it could be that too few program participants exist to justify an experimental design, or that service providers are unwilling to assign those in need to a control group in which they would receive fewer services. Even when there is such agreement, challenges exist in ensuring that random assignment is implemented with fidelity.

All this leads to the recommendation that future Second Chance investments embed evaluators in the field *at the very beginning of reentry program development* and that DOJ fund grantees in two phases. Coordinating the delivery of research and evaluation technical assistance during phase I of a program would enable skilled researchers to help sites extract and analyze the data necessary to make

informed decisions about which clients to target based on risks and needs, while supporting an assessment of the feasibility of an experimental design or the development of a rigorous alternative. Phase I research partners could also ensure that the baseline data needed for a post-implementation evaluation are available and collected over time. Grantees unable or unwilling to produce the data critical to strong program design, delivery, and evaluation should be scrutinized carefully to determine whether phase II funding is merited.

For grantees that move on to phase II, performance should be assessed based on more than just recidivism rates. The OIG report calls for a consistent measure of recidivism; I would add that Second Chance programs should be measured on multiple types of impacts, looking beyond simplistic measures of the share of participants who are behind bars to include time to rearrest and intermediate outcomes, such as employment and substance use. Moreover, when measuring the impact of a Second Chance grantee's program on recidivism, the program's many inputs and outputs must be considered. Otherwise, any lack of programmatic evidence of reduced recidivism rates may be misinterpreted as a failure of the reentry program rather than the failure of program implementers to deliver the services with fidelity.

Each year, hundreds of thousands of people return from prisons and jails to communities throughout this country. Recidivism rates speak for themselves: with two-thirds of exiting prisoners back behind bars within three years (Langan and Levin 2002), the threat that exiting prisoners pose to public safety is real. Continued funding of states and localities is therefore critical. Such investments should be made with full consideration of our experiences from current Second Chance funding and similar federally funded reentry initiatives. There is much we have learned about how to make the investment of federal reentry dollars more effective. I respectfully encourage members of this subcommittee to consider those lessons as they move forward in their deliberations regarding Second Chance Act reauthorization.

Thank you for your time. I welcome any questions you may have.

References

Langan, Patrick and David Levin. 2002. Recidivism in Prisoners Released in 1994. Washington, DC: Bureau of Justice Statistics.

Office of the Inspector General. 2010. "Office of Justice Programs' Management of Its Offender Reentry Initiatives." Audit Report 10-34. Washington, DC: U.S. Department of Justice, Office of the Inspector General, Audit Division.