

House Judiciary Subcommittee on Crime, Terrorism and Homeland Security Holds Hearing on Post-Prison Release Programs

[LIST OF PANEL MEMBERS AND WITNESSES](#)

SCOTT:

Subcommittee will come to order. And I want to apologize for the delay. We have votes on the floor. And hopefully we'll have a little time without interruption. I'm pleased to welcome you to the hearing on the Second Chance Act of 2007.

And I'd like to thank Ranking Member Forbes and his staff for their leadership and dedicated contributions to continuing this important effort in Congress. This effort will provide greater public protection from crime by better assuring the successful re-entry of offenders from prison back into their communities. I'd also like to thank Congressman Davis from Illinois and Congressman Cannon for their continued leadership in this effort as well as that of Chairman Conyers and Ranking Member Smith and other co-sponsors of the bill.

I also want to further acknowledge the dedication and tireless efforts of many members of the diverse coalition of national, state and local organizations and their representative who continue to work for the passage of this bill.

Our national crime rates have been falling significantly over the past decade. We have seen an unprecedented explosion in our prison and jail populations. Now there are more than 2.2 million people incarcerated in federal and state prisons and jails -- a significant increase since 1980. Moreover, expenditures on corrections have increased from about \$9 billion in 1982 to more than \$65 billion today, a figure that continues to grow. These figures do not include the cost of arrest, prosecution, nor do they take into account the cost to victims.

As a result of all the focus on incarceration, the United States is the world's largest incarcerator, by far, locking up 726 inmates per 100,000 population according to 2004 data. The incarceration rate around the world is around 100 per 100,000 -- 142 in England, 117 in Australia, 116 in Canada, 91 in Germany. So, the United States rate is more than seven times the average. The closest competitor is Russia at 532.

Over 95 percent of incarcerated inmates will be released at some time. This year, more than 650,000 people will be released from state and federal prisons to communities nationwide, along with more than 9 million people leaving local jails. According to the

Department of Justice's Bureau of Justice Statistics, 67 percent of offenders leaving state and federal prison are re-arrested within three years.

Most of those leaving prison are ill-prepared to succeed in earning a living and leading a law-abiding life. And the resources available to assist them to re-enter successfully are very limited. The addition of a felony record and a prison or jail stay certainly does not assist their job or social development prospects. With no or limited education, resources, job skills, with federal benefits being disqualified because of drug or other convictions, and often with little or no family or community support, it is not surprising that as many as two-thirds of released prisoners are re-arrested within three years of their release.

So, with this growing number of ill-equipped offenders returning to communities each year, the question is whether they re-enter society better prepared to lead law-abiding lives than when they came in. The Second Chance Act provides a host of evidence-based approaches designed to reduce the high rate of recidivism. If we are going to continue to send more and more people to prison with longer and longer sentence, we should do as much as we reasonably can to assure that, when they do return, they won't go back to prison due to new crimes.

The primary reason for doing this is not to benefit offenders, although it does. The primary reason to do this is because it assures that all of us and other members of the public will be less likely to be victims of crime due to recidivism and also will be much less likely to have to pay the high cost of incarceration as taxpayers.

So, this is a compelling issue -- one that we have worked in a bipartisan way. And I want to thank again Ranking Member Forbes for working with us. This is Crime Subcommittee and Judiciary Committee generally is a fairly contentious group of people. We don't always agree on many things. But on this, I think we've got excellent cooperation on a bipartisan basis. And hopefully, we can get the bill passed into law as soon as possible.

With that, I will now recognize my colleague from Virginia, the ranking member of the subcommittee, Mr. Forbes, for his opening statement.

FORBES:

Thank you, Chairman Scott. And I appreciate you holding this hearing on the Second Chance Act of 2007. And of course, we appreciate all of our witnesses and our attendance here.

I want to begin by commending you and Chairman Conyers, Congressman Cannon and also Congressman Coble for your commitment to the issue of prison re-entry. The new bill which is molded on prior version is an excellent example of bipartisan cooperation on important criminal justice matters. I also want to commend your chief

counsel, Bobby Vassar and Keenan Keller from Chairman Conyers' staff. Also, I'd like to commend our counsel, Mike Volkoff (ph); a member of my staff, Jamie Miller; and also a member of Congressman Coble's staff, Johnny Mautz for their dedication and hard work on this issue. It took a long time. It was a lot of hard work to get it here.

Whether you are tough on crime or favor intervention and prevention strategies, there's common ground on the critical issue of prison re-entry. I believe in tough enforcement of our criminal laws. Public safety is essential of a free society. And criminals must be aggressively prosecuted and incarcerated to protect our communities.

Once criminals are incarcerated, we have an obligation to make sure they are rehabilitated and treated humanely. A critical component to this is the need to plan and provide effective re-entry services. We can no longer release criminals with new clothes and a \$5 bill and expect the to become productive citizens.

The Second Chance Act creates a framework of strategic policy innovations to provide effective re-entry services. The demand for innovative solutions is obvious. It is conservatively estimated that approximately 650,000 inmates will be released from state prisons in the next year. In the absence of actions to address this issue, 67 percent of these individuals will be re-arrested, and over half will return to prison in the three years following their release from prison.

States are being crushed by an overwhelming financial burden for correctional cost. We need to ensure that governments have in place appropriate programs to ease the transition for offenders, to bring families together once again, and to make sure that offenders get the necessary support, so that they can truly have a second chance to live a law-abiding life. Successful re-entry protects those who might otherwise be crime victims. It also improves the likelihood that individuals released from prison, jail or juvenile detention facilities can pay fines, fees, restitution and provide family support.

The Second Chance Act expands existing demonstration programs to improve coordination among service providers, supervision services and re-entry task force, and between state substance abuse agencies and criminal justice agencies. The Act also strengthens re-entry services by expanding the use of mentors, improving medical services, offering a continuum of drug treatment services, ensuring adequate education opportunities and promoting family relationships during incarceration.

The Act also authorizes grants to operate state and local re- entry courts and to establish local re-entry task forces to develop comprehensive re-entry plans during each phase of transition from incarceration, to transitional housing, to release in the community. Finally, the Act expands drug treatment programs to include family- base substance abuse treatment programs, new pharmacological drug treatment programs and comprehensive drug treatment for offenders in a re-entry program.

Mr. Chairman, I look forward to hearing from today's witnesses who can tell us firsthand how re-entry services are provided and what new approaches are needed.

SCOTT:

Thank you. And without objection, all members may include their opening statements in the record at this point. And we have a distinguished panel of witnesses here today to help us consider the important issue before us.

Our first witness will be Stefan LoBuglio, who is an expert of designing and evaluating prisons re-entry recidivism education and employment programs, including faith-based programs. He is currently chief of the Pre-Release and Re-entry Services Division of the Montgomery County, Maryland, Department of Correction and Rehabilitation. He manages the community-based 155-bed pre-release and re-entry facility as well as non-residential home electronic monitoring programs.

He is previously the deputy superintendent of the Suffolk County Sheriff's Department Community Corrections Division in Massachusetts. Prior to that, he was a criminal justice policy consultant. He's a doctoral candidate at Harvard University Graduate School of Education, holds a Master's in public policy from the John F. Kennedy School of Government, and is a graduate of Duke University.

Our next witness is Professor Roger Peters, chair of the Department of Mental Health, Law and Policy of the St. Louis de la Parte Mental Health Institute at the University of South Florida, where he has been a faculty member since 1986. He received his Ph.D. in clinical psychology from Florida State University and has also studied at the University of North Carolina School of Medicine.

He served as lead consultant to the Department of Health and Human Services Center for People with Co-Occurring Disorders in the Justice System. He's also served for four years on the board of directors of the National Association of Drug Court Professionals; and for the past seven years has served on the treatment-based drug court steering committee for the Florida Supreme Court.

Our next witness is Steve Lufburrow who is the president and CEO of Goodwill Industries of Houston, a Houston-based organization that provides training, skills development, work opportunities for people with disabilities and other barriers to employment. In his career, he has served as a member of the advisory board of Target Hunger and Texas Industries for the Blind and Handicapped, as well as the State Bar of Texas grievance committee.

Currently, he serves as a member of the board of directors with the Better Business Bureau and the Houston-Galveston Area Council Work Development Board. He is a graduate of Southwestern University in Georgetown, Texas, and of the certified executive training program for Goodwill Industries of America.

Our next witness will be Jack Cowley, who is the national director of Alpha USA's prisons and re-entry program, which helps churches administer to prisoners. He served

for 30 years with the Oklahoma Department of Corrections primarily as a prison warden. When he retired in 1996, he joined the Prison Fellowship Ministries as a public policy advocate and later as director of Interchange Freedom Initiative, a faith-based re-entry program.

He has run a transitional housing and treatment program for released offenders. He serves on the advisory boards of the National Institute of Corrections and the Billy Graham Institute of Criminal Justice Ministries. He earned his B.S. in sociology, an M.S. in corrections from Oklahoma State University and completed coursework for a Ph.D. in organizational leadership from the University of Oklahoma.

Our final witness will be George Tsamos (ph) McDonald who is the founder and president of the Doe Fund, a New York-based nonprofit organization that helps individuals break the cycles of homelessness, welfare dependency and incarceration through paid work programs, housing, support services and business ventures. A former executive and entrepreneur in the apparel industry, he currently chairs New York City's Independent Committee on Re-Entry and Employment and is co-chair of its Discharge Planning Initiative Employment Committee.

He also serves on the Prisoner Re-entry Steering Committee of the city's Workforce Investment Board. The Doe Fund has been recognized by the City of New York, WENT Channel 13, the New York Post and the Department of Housing and Urban Development. He received his undergraduate degree from Fairleigh Dickinson University.

Thank you. And before we hear from our witnesses, does the chairman of the committee have a statement?

CONYERS:

I have a statement, but I'd like only a minute or two. And then I'll put it in the record.

SCOTT:

Thank you. Mr. Conyers.

CONYERS:

Thank you, Chairman Scott and members of this committee. Re-entry is so important. And now, thanks to this committee, we're beginning to examine the pressing need to provide as much as we can for the 650,000 men and women who re-enter our communities from prison every year. And the cultural and economic requirements to prepare them for this coming back into society has been staggering.

And I'm happy to join in with all of you and the distinguished panel of witnesses that we have here to examine the Second Chance Act. I think it's a great opportunity. I look forward to hearing the witnesses. And I ask unanimous consent that my complete statement is included in the record.

SCOTT:

Thank you.

Are there other statements? Without objection, they can be placed in the record. And we'll hear from our witnesses, beginning with Chief LoBuglio.

LOBUGLIO:

Thank you, Mr. Chairman.

SCOTT:

If I may ask, please let me recognize the other members that are here: Representative Johnson from Georgia; Representative Gohmert from Texas; and Coble from North Carolina.

Thank you. I'm sorry.

LOBUGLIO:

Mr. Chairman, it's an honor to speak before you in support of this legislation. And I thank you for your leadership as a committee on this legislation. This legislation is important to the field of corrections. It's important to those who are incarcerated. It's important to communities across the country.

I have the privilege of working on a day-to-day basis with a dedicated staff of correctional professionals. And we manage as many as 200 individuals in the community on a day-to-day basis. Those individuals are from the federal system, the state system and the local system. They can be serving sentences of 20 years or 20 days. The main criteria is that they're within one year of release and returning home to our communities.

When they're in our program, we know where they are at all times. They are working. They are receiving treatment. They are meeting with family members. Importantly, they are earning money. They are paying family support. They are paying restitution. They are being responsible members of our society.

In Montgomery County, 30 percent of our sentenced population is in our program. We're not a boutique program. Through a careful screening process, we're able to put a number of individuals of different types of offense types into our program. Right now, I have a count of 164 individuals; 135 of those individuals are living in a pre-release center that's a 35-minute metro ride from where I'm talking now. The other 29 are living at home. They have successfully graduated to our home confinement program. They've demonstrated that their job, their house, their family support system, their connection with communities is such that we can allow them to live in the community in their home with electronic monitoring.

Those who are working, they're working as contractors. They're working in the construction field and landscapers and food services in offices across the greater Washington area. Every single employer who employs them is aware of their situation. And we actually involve the employer in the re-entry process with a formal signed contract. We involve the family in our re-entry process. We speak with the loved ones of those who are with us and talk about ways that we can work in partnership to assist them as they transition to the community.

Importantly and as part of our everyday practice, we work with every community organization that we can, from government agencies, to nonprofit organizations, to the faith-based community. There's a limit to the expertise that we have in corrections. We know it. And we need the assistance and the expertise of outside agencies.

We have a premise in Montgomery County that it is better for individuals to leave our work release program than to leave a correctional facility -- whether our own correctional facility or a facility in a state prison system or a federal prison hundreds of miles away. We do everything we can to get them into our program.

For those who can't come into our program, we have extensive re-entry services at our jail. We've started a one-step career center in our jail. We involve over 40 social service providers every two weeks in a re-entry discussion about those who are going to be released, and what wraparound services there needed.

Ours is but one of many local and state programs that is an example of how re-entry can work. I find it remarkable that, at this point in time, there's a consensus -- a bipartisan political consensus, a consensus of advocates, a consensus of professional organizations, and a consensus among the leadership in corrections -- that re-entry is the way to go; and that we have an opportunity now, perhaps the first in 30 years, to transform the way that we do corrections, so that re-entry is our standard operating procedure. The Second Chance Act will help stoke that effort.

We learned a lot about re-entry in the last eight years. Eight years ago, a correctional official might have been excused for not knowing what works and how a re-entry program could work in their facility. There's a huge body of evidence now that points us in the right direction. It's a body of evidence that's been developed by correctional practitioners and by leaders and academics in many other disciplines.

There's no one re-entry model that will work in any system. And that's why we need the Second Chance Act. We need each jurisdiction in our, sort of, fractious criminal justice systems across the country to work out among themselves how does re-entry work? What stakeholders want to be part of it? And how will they put together the plan?

Another important point I need to make this morning, that it's not only the 650,000 returning from state and federal prisons; but it is the 12 million bookings and the 9 million individuals who are both being processed into and being discharged from our local jails. I work at the local system. Jail re-entry is as much a part of the discussion as prison re-entry in the state system.

And what's important and valuable about the Second Chance Act, that is recognizes that jails have a role. Jails are struggling right now with many issues -- issues particularly of mental health issues and issues of domestic violence issues. And re-entry has to be part of the fabric of how we run our programs.

Re-entry requires collaboration. It requires the outreach and in-reach of community service providers and faith-based organizations. What's important about the Second Chance Act, what's been important about the Serious and Violent Offender Re-Entry Initiative, the precursor to this act, is that it has leveraged enormous amount of local resources.

I know I'm over my time a few minutes. But with that, I'll conclude in a minute if I may. Re-entry is sound corrections. There are leaders at all levels in corrections -- from line officers, sergeants, lieutenants, shift commanders, sheriffs, wardens -- who are ready to embrace re-entry. We need some assistance. We need some good models. We're ready to do the task.

Those facilities and those systems that incorporate re-entry are among -- those systems that I've seen are the cleanest, the most humane, the ones that best use their bed space. Re-entry has a great advantage, not only to public safety, not only to community well-being, not only to victims, but also to the correctional professionals who staff our thousands of correctional facilities, and those that monitor the millions of individuals in community supervision. It can literally transform how we do corrections to the betterment of those in the correction field.

Thank you, Mr. Chairman.

SCOTT:

Thank you. And we apologize. You were supposed to have gotten a yellow light. And we figured out how to work the machine now. Everybody else will get a yellow light, which means the time's about to run out. You'll get a little better warning than you did.

Dr. Peters.

PETERS:

Thank you Chairman Scott and Ranking Member Forges. And thank you members of the subcommittee for this opportunity to testify on the Second Chance Act of 2007 and to participate in this important hearing.

I've studied drug addiction and treatment in the criminal justice system over the past 20 years. And during this time, I think we've made great strides in developing effective treatments to break the harmful cycle of drug abuse and crime.

Drug abuse is a major burden to our society. The estimated annual cost of drug-related crime are \$107 billion. We know that substance abuse is closely linked to crime with over half of all violent crime, property crime and child abuse and neglect cases are related to drug use.

Of the nearly 7 million adults in the criminal justice system, the majority have drug disorders. Most of these individuals have never participated in a comprehensive drug treatment program. We also know that incarceration without treatment is ineffective and is also a costly solution to this problem that we have. Drug and alcohol disorders do not resolve simply through forced abstinence in jails and prisons. Within the first year of release, 85 percent of offenders with drug disorders return to substance abuse. And within three years, two-thirds are rearrested.

Research conducted by NIDA and NIJ demonstrates that substance abuse treatment within the criminal justice system reduces recidivism, drug use, family violence, unemployment and welfare dependence. These findings are not only robust, but they're consistent and compelling.

Substance abuse treatment reduced drug use by about half, reduces crime by up to 80 percent, reduces arrests up to 64 percent and increases employment by 40 percent. Treatment is also effective across different criminal justice settings, including prisons, jails, work release center, day reporting centers and drug courts. The effectiveness of drug treatment is not diminished when it's leveraged through legal mandate.

The most effective correctional programs are those that combine drug treatment in jails and prisons with treatment for at least three months following re-entry to the community. A NIDA study found that those participating in the prison treatment followed by treatment in a community work release center were seven times more likely to be free of drugs after three years than those who received no treatment, and were more than twice as likely to remain arrest free.

Treatment in the criminal justice system is not only effective, but it also saves money. Cost savings related to treatment in reducing drug-related crime amount to \$4 to

\$7 for every dollar spent. Despite the effectiveness of the drug treatment, only 10 percent to 12 percent of offenders receive any form of treatment -- a small fraction of those who need it. Often these services are not comprehensive in scope.

One of the most significant treatment gaps is community re-entry services following release from jail or prison -- a particularly vulnerable time when offenders are exposed to high risk for relapse and rearrest. Fewer than half of jails and prisons in the U.S. now offer any type of re-entry services. This may be the single most important gap that we face in services within the criminal justice system.

Through research, we now have a better understanding of the key elements of effective treatment in the justice system. Drug addiction is a chronic and relapsing disorder of the brain that progresses over an extended period of time. And it is characterized by compulsive behavior. As a result, comprehensive treatment services are needed over a sustained period to interrupt the harmful cycle of drug use and crime.

Like other chronic health disorders that are relapsing, such as asthma, diabetes and hypertension, drug addiction requires ongoing attention but can be effectively treated and managed over time. According to NIDA's recently published Principles of Drug Abuse Treatment for Criminal Justice Populations, the most effective drug treatments are those that combine behavioral and pharmacological approaches and also include re-entry services. The Second Chance Act of 2007 provides an important step towards enhancing correctional treatment of re-entry services and breaking the harmful cycle of drug abuse and crime.

Also needed to achieve the goals of the Second Chance Act are to provide stable sources of funding and support for treatment and re- entry services throughout the criminal justice system; incentives to create state coordinating councils to help plan, develop and implement statewide offender treatment and re-entry systems; continued cooperation and partnerships between the Justice Department and SAMSA to expand and improve the continuum of correctional treatment and re- entry services. Finally, support for additional research to examine effective offender treatment is of critical importance, if we're going to continue building on the success stories discussed here today.

In closing, drug abuse disorders are widespread in our society and particularly effect those involved in the justice system. We know that there's a strong connection between drug abuse and crime and of the harmful cycle that leads from drug abuse to crime and to incarceration. We also know that drug treatment and re-entry services can be highly effective in breaking this cycle, particularly if these services are comprehensive and coordinated across different points in the justice system. Yet, drug treatment now is provided to only a small fraction of offenders who need these services.

For all of these reasons, your efforts to enact the Second Chance Act of 2007 make good sense from both a policy and a human perspective. Thank you for allowing me to share this information with you. And I'll be happy to answer any questions later that you have.

SCOTT:

Thank you. Thank you very much. We've been joined at one time or another by Mr. Nadler from New York, Mr. Chabot from Ohio, Mr. Lungren from California.

Mr. Lufburrow:

Mr. Chairman and members of the subcommittee, my name's Steve Lufburrow, and I'm the President, CEO of Goodwill Industries of Houston. And I really am pleased to testify today in support of the Second Chance Act.

The need to help hundreds of thousands of incarcerated individuals in this country reintegrate into society has reached epidemic proportions. The critical underlying factor in any reintegration plan for the community is public safety. The Second Chance Act would lead our nation in the right direction, as we discussed earlier, through the integration of the four major areas: drug treatment and mental health; job training; mentoring; and family strengthening. Inmates exiting the nations jails and prisons need all of these vital services.

Goodwill Industries is a network of 186 community-based independent member organizations in the United States, Canada and then 15 other countries. Each organization serves people with disabilities, low-wage workers and other jobseekers by providing education and career services as well as job placement opportunities and post-employment support. Our goal is to help people overcome their barriers to employment and become independent taxpaying members of our communities.

In 2005, more than 846,000 people benefited from Goodwill's career services. Goodwill Industries reported \$2.65 billion in revenues and channels 83 percent of the revenues directly into the programs and services. Goodwill Industries has unique experience as a service provider in areas impacting prisoner re-entry.

Even before the reintegration program reached epidemic proportions, local Goodwill agencies throughout the country had been working with this population in both jails and prisons and when inmates are released. Since our agencies are community-based, we are able to work directly with the probation officers, the courts, the jails, the prisons and other partners in the community. In 2005, 97 local Goodwill agencies helped more than 45,000 current and former prisoners.

The challenges in helping this population are tremendous. And legislation, such as the Second Chance Act, recognizes the need for comprehensive and integrated services. According to the Thurgood Marshall School of Law in Houston, between one-third and one-half of ex-offenders are caught committing new crimes within three years of their release. But in a 2004 study of the Urban Institute showed that inmates who are involved in work programs while incarcerated are approximately 20 percent less likely to reoffend upon release.

In the State of Texas, we have 19 local Goodwill agencies. Our clients are primarily those with the most severe barriers to obtain employment, such as people with disabilities and welfare recipients. However, more individuals who seek our services have some prior criminal background. And we believe this is due to the growing rate of incarceration in this country.

For example, of the 26,043 persons served by my friends and our friends at the San Antonio Goodwill last year, 10,945 were ex-offenders. That's nearly half of their entire client population. And out of all of our agencies in Texas, 14,308 ex-offenders were served. And that's startling to me.

There exists a lack of comprehensive and coordinated services for ex-offenders from local, state and federal authorities. And we are pleased that this legislation includes a role for nonprofit service providers. For years, our nationwide network has been providing juvenile and adult ex-offenders. And funding for prisoner re-entry is critical and often lacking in not for profits; because at Goodwill, we support many of our programs through the revenue provided by sales of donated clothes and household goods in our retail stores. The Second Chance Act, though, would help reduce recidivism by allocating the necessary funds to support those comprehensive services that have been identified as reducing recidivism.

Many of the clients served by local Goodwill agencies have some type of criminal background on their record. And some estimates indicated as many 30 percent to 50 percent of the individuals served by local Goodwill agencies have a prior conviction. As a human service organization, Goodwill Industries understands that for ex-offenders to reenter society, they must have the following: safe housing; substance abuse treatment; services for physical and mental illness; training, education and jobs; occupational skills training; and job retention services.

I've included for the record a more extensive list of our programs and services. We believe that the Second Chance Act is urgently needed. Until the necessary steps are taken to help former prisoners obtain and retain jobs, the downward spiral of recidivism will continue. By keeping former prisoners from returning to a life of crime and being incarcerated, we increase public safety, reduce correction cost. And the Second Chance Act furthers us toward these goals and saves taxpayers dollars.

Thank you very much.

SCOTT:

Thank you very much.

Mr. Cowley:

COWLEY:

Thank you, Mr. Chairman, members of the committee. I was raised in a prison town and went to school with kids whose dads worked in prison in Oklahoma, the Oklahoma State Reformatory. And I was hired in 1970 by the LEAA, a grant from the federal government, as the first inmate relief counselor in Oklahoma. It was a pretty disappointing job. But I've stayed with corrections ever since and was a warden for many years; continued to work in the field. And I'm probably in a prison -- continue to be a prison -- perhaps one a month.

I know inmates. I know wardens. I know correctional officers. I know the victims. And the system is in dire need of hope -- dire need of hope. They do have models that work. Wardens, quite frankly, have long given up on re-entry. And they don't really even think about what they do in terms of recidivism rates. They just try to keep the toilets flushing and the chicken from being bloody when it comes off the stove.

I was talking with a warden Friday at, as he said, the worst prison in Texas -- a 3,330 long-term prison for young offenders -- were opening what I'll refer to you in a moment as God pods there. And he said Jack, I'm running a 34 percent vacancy rate. All I can do is just try to survive.

In 1997, in the State of Texas, under the leadership of Prison Fellowship and then Governor Bush, we started what was called the Interchange Freedom Initiative, which was an intensive in-prison pre-release program of at least 18 months, in which volunteers came into the prison, made relationships with inmates, and began to mentor them upon their release. In fact, I got the rule changed in Texas, whereby inmates could be released from that prison directly into the arms of their mentor rather than traveling all the way to Huntsville to be released and having to take a bus home. Many of them don't make it.

That program was studied by Byron Johnson and found that what they call a 50 percent recidivism rate in Texas, which is really closer to 70 percent -- although the sample was fairly small, the recidivism rate for those inmates that completed and graduated from that program was only 8 percent. It's almost too good.

Since then, with Alpha, what I do is invest in faith-based and community organizations in a collaborative way and provide wardens the opportunity to offer us a unit within the prison where inmates can be housed separately. And then we provide programming up until the time they're released. And then that work continues after they go home.

And it's working. And we will build so far -- although the numbers are growing -- was probably close to 2,000 inmates a year. And more states are getting excited about what we're offering, because it involves faith-based and community organizations in a collaborative with the state. We now can tell wardens something works. I was at a grand opening Friday of a long-term God pod in Rosharon, Texas. And when the warden paints

the dorms and puts in new flower beds and gets things ready, you know that he is dedicated to seeing changes in his prison.

Now, a lot of that work is being done. And quite frankly, it'll be done without the Second Chance Act. It won't be done on the level that it needs to be. I mean, we've heard 650,000 inmates go home a year. Second Chance will certainly give us an opportunity to add capacity.

But you've started something, quite frankly, that you need to finish. You see, without hope -- and I'm not talking just about inmates and their families and victims, but the system. We got this bill now. And we say we're going to do all this wonderful stuff. And if it isn't done, the message is going to go out to the states -- to wardens, and the jail administrators, and to inmates -- well, if those guys really don't care, then why should we bother anymore? And I'm telling you that's what's going to happen.

Second Chance is much more than money. As much as it's needed, Second Chance is a shot in the arm for the system -- not just second chance for inmates, but it's a second chance for correctional administrators, a second chance for victims. So, we urge that it's passing. We nab the model that works. And we're just waiting for the resources to build capacity.

Thank you for the opportunity to share that with you.

SCOTT:

Thank you very much.

Mr. McDonald.

MCDONALD:

Thank you, Mr. Chairman and fellow members of the committee, it's an honor for me to be here and have my second chance to testify before Congress.

I certainly support this act of reintegration the formerly incarcerated individuals into the work force and the mainstream of society. In the early 1980s, I started working with homeless men and women in New York City. I spent literally 700 nights in a row feeding thousands of individuals who lived in, around and under Grand Center Terminal. I got to know them often becoming their friend.

From them, I learned the conventional solutions are insufficient in comprehensively and permanently addressing their needs. Shelters provided a place to sleep for the night. And a sandwich quelled their hunger for the moment. But what they really wanted was a room and a job to pay for it.

The Ready, Willing and Able program answered that need. It was built on a promise -- a contract really -- between my organization, the Doe Fund, and those homeless men, that if they gave up drugs and went to work, this program would be there to support and open doors for them. Ready, Willing and Able, or as we call it RWA, started as an innovative approach to solving a seemingly intractable problem that today has become the most visible, effective, respected solution to homelessness in the nation.

We serve over 1,000 people a day in three states. As a part of our community improvement street-cleaning project, we send men in blue -- and that's what we call them, because of the bright blue uniforms they wear with the American flag on their sleeve -- out to clean over 150 miles of New York City streets. Seven days a week, 365 days a year, the sweeping, bagging of garbage, graffiti removal, snow shoveling and other street sanitation services we perform have improved the quality of life in our city and made our participants beloved and sought after additions to every neighborhood.

Because they do this hard and humble work with diligence and good cheer, they have won the support of over 45,000 individuals that not only send us financial contributions, but notes explaining how much they have come to rely on our participants. And believe it or not, feel safer because of their presence.

Several years ago, we recognized that society was facing a crisis larger and certainly costlier than homelessness -- one that threatens public safety, burdens taxpayers and results in countless human lives being wasted -- criminal recidivism. As you've said here, Mr. Chairman, 650,000 people are released from jails and prisons cross the country each year. More than two-thirds go back within three years. Knowing that 70 percent of the men we already successfully serve in RWA had an average of three felony convictions each, and that the chief factor influencing recidivism was quality employment, we saw an opportunity to adapt our model to serve those exiting prison and solve another critical societal problem.

In 2001, the Department of Justice became our partner in these efforts. They funded the launch of a pilot program serving parolees who had already had housing, but were in need of educational; vocational; substance abuse; social services; and most importantly, paid work that RWA offered. Beginning with 30 men, the program has grown to serve over 200, who all put on that bright blue uniform and go out every day to clean our city. In an unassuming and humble way, they accomplish the monumental task of reversing prejudices and changing the perception of formerly incarcerated people.

In 2006, building on our success in reducing recidivism by helping parolees rejoin the work force, the New Jersey and New York congressional delegations secured additional funding through the Department of Justice for us to expand by adding a residential component. Today RWA Stuyvesant located in Bedford Stuyvesant, Brooklyn seizes on the critical moment when an inmate is about to be released and is looking to make a positive change in his life. Recruitment begins literally before the fellow's release and offers him a chance to walk out of the prison door onto one of our vans that will transport him to his new transitional home and work.

For nine to 12 months, he lives in a safe, drug-free, shared apartment. He's paid above the minimum wage to work in our community improvement projects, receives the comprehensive social services, reports to a parole officer assigned specifically to participants in our Stuyvesant program. Immediately, he becomes -- immediately he becomes productive, law-abiding member of the community, and an example of what is possible when opportunity is provided and seized.

Jose Carrera was 19 years old when he was sentenced under the New York Rockefeller Drug Laws. He was 39 when he came out. While inside, he stabbed another inmate and spent a total of five years in solitary confinement. There in the box, as they call it, he had an awakening and decided to change his life. Upon release, he came to our program, put on that blue uniform and pushed a bucket for a year. He remembers the things that kept him motivated when he thought about giving up were the paycheck and the passers-by who patted him on the back and thanked him for the job he was doing. He was used to inspiring fear, but never smiles of gratitude.

The greatest sense of gratitude for his transformation comes from his two children. In the past, his son was told you're no good. You'll be just like your father. Today, Jose Jr. sees his father as a role model and appreciates being compared to him. Jose graduated from our program with a job as a dialysis technician. He likes to say that while he once stabbed people to hurt them, today he does it to save their lives.

There are thousands of stories like Jose's. And through the help of this bill and the Doe Fund's criminal justice programs and the rest of the folks here, there can and will be many more. We have found the way to replace the revolving door of criminal recidivism with the best front door in America -- one that formerly incarcerated persons can walk through with little more than a desire to work hard and rebuild his life, and walk back out a year later with his sobriety, a permanent job and his own apartment.

As I sit here addressing this subcommittee of the United States Congress, I can't help but think what could be more fundamentally American than extending the opportunity of hard work and personal responsibility to people striving to become taxpaying, law-abiding citizens. This is an important piece of legislation to provide that opportunity.

Thank you for having me here today.

SCOTT:

Thank you. Thank you, Mr. McDonald.

I now will proceed to questions under the five-minute rule. I'll begin recognizing myself for five minutes and start with Dr. Peters.

How important is mental health services to rehabilitation?

PETERS:

Thank you, Mr. Chairman. Important point -- mental health is a critical issue for our inmates. I think you heard several of the panelists discuss that already this afternoon. We know that 15 percent of our offenders have major mental health disorders in this country. And in some cases, people talk about our correctional system now as the public safety net of last resort for our society. And unfortunately, these systems are not funded to provide intensive services in many cases, nor are they staffed to do that.

So, it's really an important task for us to be able to identify those people and get them out of the system if possible as early as possible; and in the process at the point of entry to jail, for example, if those people don't present a public safety risk, to be placed in jail diversion programs with court monitoring, supervision and treatment services.

And of course, for those people in jails and in prisons, they need to receive their medication and get treatment services that they need, and then be able to receive the same type of re-entry services that we're talking about here today for this population, who are at very extremely high risk of relapse and recidivism, and re-entry to hospitalization crisis stabilization units and other, kind of, key services in our society that cost huge amounts of money. So, a very important group that we need to target for resources and for re-entry services as well.

SCOTT:

Thank you.

Chief LoBuglio, you mentioned the important of having re-entry programs in jails. With jail overcrowding and the short period of time that people are going to be in a local jail, how effective can re-entry programs be in the local jails?

LOBUGLIO:

They can be very effective. And there's numerous opportunities to intervene in creative ways to work with the jail population. The jail population -- again, the 10 million individuals coming and going from the jail system -- some will be staying for short periods of time. Others will be staying for years.

And a reentry plan for each individual is going to be unique. And it's going to be tailored based on their needs and how long they're going to be with us. Those in Montgomery County we find that, in our jail-based program, we're able to provide a one-stop career center for those who are with us, who are sentenced for 90 days or less.

There's other re-entry services that can be provided it for individuals that are even there for shorter periods of time. In Allegheny County in Pittsburgh, there is a forensic mental health program that provides mental health services to somebody who's been locked up for just two hours. They come in and they make sure that there's a continuity of care.

So, there's many models of re-entry. That's sort of, I think, a theme of this legislation and the experience over the last eight years. Not every reentry program is going to serve every type of individual. But don't forsake jails. There's much that can be done in jails to promote re-entry. And there are many examples across this country. And I can cite those for you, Mr. Chairman.

SCOTT:

Thank you.

Mr. Cowley, you represent several faith-based organizations. Do they need to discriminate in employment with federal money in order to be effective?

COWLEY:

No.

SCOTT:

As a former warden, did you have second chance programs in your prisons?

COWLEY:

No.

SCOTT:

You didn't have any second chance programs in your prisons when you were a warden?

COWLEY:

And very few do today. We talk about reducing the custody level. And that in turn means re-entry for most systems. But interventions are not that meaningful. We're strictly

talking bed custody. So, when they talk about going to a halfway house, they're still -- we offer things but we say okay, it's just [audio skip] inmate to get it if he wants to get it. It has to be more involved..

SCOTT:

What kind of programs do you think would be popular for inmates? What kind of programs would they be most likely to actually participate in?

COWLEY:

Inmates know what is good for them if given the environment in which to change. Job readiness -- most of them, if they are given this opportunity, want to know how to be better dads, because they know that statistically just being in prison, their kids are at a higher risk. Most want to know how to fill out a resume.

I had one guy that was in for 14 years. And the day he got out, he said Jack, will you teach me how to eat. He didn't know -- they don't get to use forks and knives, Mr. Chairman. And he wanted to know just how to eat. So, we did pretty good when he cut his meat, but then he didn't know what to do with these fork when he reached for his glass, so he just stuck it in the top of his steak which, you know, they want -- those are the kinds of things they want to know.

SCOTT:

Thank you very much.

Mr. Forbes.

FORBES:

Thank you, Mr. Chairman. Mr. Chairman, first of all without objection I would like to introduce for the record a letter from 15 faith-based organizations that approve of this legislation as it's currently written.

SCOTT:

Thank you. Without objection.

GOHMERT:

Could I reserve objection? Is that the one with the top ten names on it? We had an issue last year where some of the faith-based groups that we checked with were not familiar with the particular thing their name was...

FORBES:

Mr. Chairman, I'll debate this later if he has an objection. If he could voice his objection and then we'll deal with it as we get through the -- rather than use my time on this one.

SCOTT:

Well, we'll start your time over, but there's a motion made to introduce the letter for the record. Is there objection?

GOHMERT:

Well, if I could reserve objection...

SCOTT:

The right to object has been reserved. We'll start the time now.

FORBES:

Thank you. Thank you, Mr. Chairman.

And I want to thank all of you witnesses for being here and for the programs that you're involved in.

Mr. Lufburrow -- I hope I'm pronouncing that correctly -- I know that Goodwill does a lot of programs in this area. Can you tell us what success rate that you have had? And also, how does family-based treatment address the needs of children participating in the program? What's the broad picture of the children affected by parental incarceration, substance abuse, (inaudible). And if you can be as brief as possible, because I want ask a few questions of some of the other witnesses.

LUFBURROW:

Sure. Let me try to answer those. The family side for the children, obviously, they have a rough run when they have someone, a parent, incarcerated. So, when we can work with the parent and get their self esteem built up, it sure helps and rubs off on those kids. We're more working with the parent side as they're incarcerated.

And the first question again, sir.

FORBES:

The first question is what success rate has Goodwill had?

LUFBURROW:

OK. Well, when we work with folks who have been incarcerated, you know, we'll see not as much as I'd like to see. But if we could get it to 50, I'm happy. We work with so many other populations as well, which we're a little higher with. And that's why we're pushing for this to pass through, because we don't have the dollars to make these programs official. So, we have to do it in other ways.

FORBES:

OK.

Dr. Peters, one of the things we're always looking at is effectiveness and how we measure effectiveness of programs. Can you tell us the difference between a short-term, let's say 30-day, drug program that we try to put on somebody and a more comprehensive program that you talked about -- the difference in effectiveness between those two kinds of programs?

PETERS:

Absolutely, yes. We know that treatment to be effective needs to be approximately 90 days for offenders and for others that have chronic problems like this. And we also know that longer-term programs such as six to 12-month programs are those that create long-term sustained outcomes. And those are the programs that we look at. And you see some of the figures cited in the testimony, where you have 27 percent who are rearrested over the course of three years of follow-up after intensive treatment in prison and outside of prison, compared to in the range of 75 who don't receive treatment in those settings. So, you have a fairly persuasive 50 percent reduction in recidivism based on those long-term programs.

You still see marked gains, though, in those intermediate range programs over 90 days. But it looks like that's the threshold, sir, that we need to reach for. And you can still achieve some significant gains in reductions in recidivism and substance abuse. But again, those don't typically lead to sustained changes in behaviors over time.

FORBES:

Good.

Mr. Cowley, I know you've seen it from both sides. You've seen it as a warden. You've also worked with several faith-based organizations. Based on the organizations that you've worked with, do they approve of this bill and its current structure as it's written?

COWLEY:

The ones that know about it do. And the ones that don't know about it do as well. I can tell you faith-based groups and community organizations -- not only are they aware of the debate in many cases, but they are looking for the opportunity to be involved. And with wardens and other federal organizations that would receive the grant money, these people would line up, definitely.

FORBES:

Well, thank you.

And Mr. LoBuglio, if I could -- first of all, you have a model program; done a great job with that in Montgomery County. But again, one of the things we're always looking at is measuring effectiveness. And how would you suggest -- what measures should we use to evaluate re-entry programs; because it's one of the things we're always looking at here, is recidivism. You know, I mean, rearrested or reincarceration, the only valuable measure? Or if not, what other things?

LOBUGLIO:

There are other measures. We've been around for 30 years. We've had 11,000 people go through our program. In 2006, our performance measures that we count and measure the quality of our program is that 99 percent of those who were with us in our work release program left with housing. 90 percent left with employment. All of them left with community referrals and contacts and working with family. We had \$200,000 that was accumulated as family support by the group of cohortic (ph) that went through in 2006. We generated \$400,000 in program fees to support our programs.

There are many performance measures that can be used to measure the effectiveness of programs. Recidivism is an interesting figure. It's a figure that, for some programs it's appropriate; for other programs, it's probably beyond their span of control. The factors that go into an individual recidivating including, one, their motivation. It also includes other androgynous factors, such as police policies, prosecutorial policies, probation and parole policies. Those are beyond the effects of specific programs.

That said, I mean, the research is clear that quality programs implemented with integrity can reduce recidivism over the long term. I think the experience of the Serious and Violent Offender Re Initiative, where we had 69 program sites, and we're having an evaluation right now in 14 states, gives us pause to remind ourselves of the capacity that we still need to build within the system to make re-entry a reality.

FORBES:

Good. My time's up, but thank you all so much for your testimony.

(CROSSTALK)

CONYERS:

Thank you, Mr. Chairman. What an exercise of great magnitude this has been. My feeling for hope has increased. When I look at a bill with Randy Scott on it, Coble, Cannon.

(CROSSTALK)

CONYERS:

Yes, Cannon -- not Bobby Scott. You're usual. I'm calling off some names for a special reason -- Forbes, Sensenbrenner, Chabot, let's see Coble. But I don't see Judge Gohmert on here. And that saddens me deeply. We're going to be working on this; because as I look out in the audience, I see Charlie Sullivan of CURE and many other organizational representatives that have been in this for years and years with Chairman Scott during the large work.

The subject matter that I want to raise with you, and maybe I should be doing this with the chairman and the ranking member, is the things that I keep hearing that are still going on in prisons. And I'm going to ask Cowley to lead this off. But the only time I heard the subject of rape in prisons brought forward is by the former attorney general of California that sits on this committee. And to me, this plus the coercion and violence and gang control that occupies too many prisons that I hear about that make them so dysfunctional that this probably requires a whole consideration of itself.

I don't want to get it superimposed upon a perfectly great re- entry plan. Elijah Cummings, our colleague from Maryland, asks me every day to make sure he's on this bill, because I think, as this leadership shows, we've got a real head of steam moving forward with a lot of control. But with those problems in the prison and the lack of vote for prisoners coming out, which I know is frequently a state determination, when a person comes out, you're whole, except one thing buddy. We don't need you to vote. We accept you back into society -- but, no. No vote. And yet there are places where votes take place inside of prisons.

So, what I want to ask of Jack Cowley and George McDonald -- all of you -- how are we going to put our arms around this problem, which is really what shapes a lot of attitudes and conduct when you get out is what happened to you when you were on the inside?

How do we match the heads and tails of this incredibly difficult societal problem, Mr. Cowley?

COWLEY:

Well, we can change it overnight.

CONYERS:

Well, I've been waiting 40 years for this moment.

COWLEY:

Well, and I'm here to tell you. All we have to do is hold wardens, directors of corrections and parole chiefs responsible for recidivism rates. As an old government employee, I was fondly aware of my annual evaluation. And not anywhere was there an expectation that those inmates that went through my prison stayed out when they got out -- nowhere. It's not discussed. I can tell you it's not any employment training on correctional officers or wardens that the inmates in their prisons remain free.

So, if we say to wardens, directors of corrections across this country, that you will be responsible; because see, now we have models that work. Before, we didn't. Now, we do. And we say to them if you cannot reduce recidivism significantly for those inmates that go through your system, then you won't have a job come next year. I tell you it will change literally overnight. The way we do business will not be the same.

CONYERS:

Well, I hope you'll become a candidate for the federal corrections chief...

COWLEY:

Well, I don't know. Thank you.

CONYERS:

... when it opens up, which I hope will be soon.

SCOTT:

Thank you, Mr. Conyers. Your time has expired.

Mr. Gohmert.

GOHMERT:

Thank you, Mr. Chairman.

I would like to point out I agree with your Mr. Cowley. Accountability is a good thing. Are you familiar? I mean, all five of you have now said this is an extremely important piece of legislation. And I got to tell you, when I first heard last year that we were bringing up a second chance act, I was excited, because we have got to do a better job of training and rehabilitating people while they're in prison. It's an embarrassment to this country, and it should be to every state, that we do not do a better job of that.

The thing is, we got the bill. The first bill was a 40-page bill. And it had things in it that concerned me greatly that went far beyond the scope of what was imagined. And I was told well, it's being redrafted, not to worry. The day of the markup, it turned out, we had a 90-page bill that nobody had seen. And we were expected to vote on it that day. A few of us raised enough Cain. It was put off. And later, a 60-page bill emerged for our markup.

The latest bill I've gotten is 107-page bill. So, have you each read all 107 pages of this bill? Is that correct?

COWLEY:

No, I haven't.

GOHMERT:

OK. So, when you say this is an extremely important piece of legislation, you're not sure what all is in there, correct?

COWLEY:

I'm sure of those things that will make a difference.

GOHMERT:

Well now, Mr. Cowley, you just said that the way we could change this overnight was if we held some people accountable.

COWLEY:

Right.

GOHMERT:

And I have not found anything in the 107 pages that holds anybody accountable. It just spend \$360-something million over two years, plus another provision that says all such sums as may be necessary. So, I'm not sure how big that goes. In the previous bill we took up last year, there was nothing about preschool nurseries in the prisons, things like this, transportation. These are all new things that have been added that I'm finding in the new bill.

So, it goes way beyond the scope of what I'd originally thought was there. There was one provision I saw that, as I understood it, said medical care as long as needed. And I don't find too many people that ever quit needing medical care in their lifetime. So, there are some things, it seems to me, that need to be worked out.

But I needed to ask you, Mr. Cowley, about one other question you answered. And I'm not sure if you understood the ramifications of what you'd said. You were asked by our chairman if these faith-based groups need to discriminate in order to be effective. And you answered no, they don't. And let me make sure if we're on the same page here.

Traditionally in the United States -- and the Supreme Court has upheld this -- a Christian group was allowed to hire Christians and could discriminate to the point that, if you were an atheist and you thought that Christianity was just a bunch of baloney, then

the Christian group didn't have to hire you in their charge; because it would create some problems.

An issue has come up in the last session where we debated this last summer that gee, why couldn't a Christian group hire an atheist to do this kind of work? They should have to discriminate. And it was my contention -- and I think previously the Supreme Court's and most Christian groups' -- that there should be that uniformity of belief. If you're a Mormon group, you shouldn't be forced to hire somebody that thinks Mormons are crazy. If you're a Jewish group, you should have to hire somebody that things all Jewish people should be killed.

I mean, there should be some discrimination allowed in order to be faith-based, or it isn't a faith-based group anymore. You understand where I'm coming from?

COWLEY:

I understand.

GOHMERT:

So, in the faith-based groups with which you have dealt, have you run into any faith-based groups who did not hire people that believed in the same faith that they did?

COWLEY:

Right. They do. And in those cases, it seems to me that's been worked out. There have been federal grants gone to faith-based groups.

GOHMERT:

Well, you mentioned that they would line up.

COWLEY:

Right.

GOHMERT:

I tried to have language installed last year that would say simply an organization or group cannot be discriminated against simply because it's faith-based. And that was fought.

COWLEY:

I think we've grown up since then, Congressman. Faith-based groups -- either they will take it as it comes. And if they want to be involved and take the money...

GOHMERT:

And my time's running out, let me ask you very quickly.

COWLEY:

... that's very possible.

GOHMERT:

Have you not run into any sheriffs or any wardens who said I'm afraid of lawsuits by the ACLU, so I don't want to hire a group that's faith-based because it's faith-based?

COWLEY:

That is happening.

GOHMERT:

It has. Yes.

COWLEY:

And that's why we need the Second Chance Act in order to alleviate that.

GOHMERT:

But it does not protect faith-based in the Act.

COWLEY:

It doesn't need to. It doesn't need to. That's what I'm saying.

GOHMERT:

My time's expired.

Thank you, Mr. Chairman.

SCOTT:

The gentleman's time has expired.

Mr. Forbes?

FORBES:

Yes, sir. Mr. Chairman, I would repeat my request to have the letter from the 15 faith-based organizations admitted to the record.

SCOTT:

The gentleman asks for a regular order on the unanimous consent request, which means that you either press the objection or withdraw it.

GOHMERT:

Well obviously, I've been here and haven't had a chance to check with all these groups. But I got burned on it once. And I don't mean to be a jerk. But I got burned. Some of the groups didn't know what they were asked to sign onto, and their name was typed. And I just was hoping for the opportunity to check on that. If I could have 24 hours, I would -- if you want to press it, then I would object. If not, if I could have time to check on it...

SCOTT:

Objection was heard.

FORBES:

Mr. Chairman, I move that the letter be admitted to the record.

SCOTT:

There's a motion made that the letter be placed in the record. All in favor of the motion say I.

VARIOUS:

I.

SCOTT:

All opposed.

GOHMERT:

I abstain, because I don't have enough information at this time.

SCOTT:

The motion is agreed to. The letter is placed in the record. And we'll make sure that Mr. Gohmert gets a copy. So, if he subsequently wants to make a comment, he certainly will be able to.

Gentle lady from Texas, Mr. Jackson-Lee.

JACKSON-LEE:

I thank the chairman and the ranking member for yielding to me. And I certainly think Mr. Davis of Illinois and Ms. Tubbs Jones of Ohio -- I know that they have been working on this issue for a very long time, as many of us who have constituencies who have negatively been impacted by stark and sometimes unreasonable incarceration principles and laws.

And I think, Warden, you know that in your new life, that probably there were good reasons for some of those incarcerated you may have come in contact with, short of

individuals perpetrating heinous crimes and on death row short of being found innocent, that could have benefited from a number of alternatives, even before they were incarcerated.

Right now, in the State of Texas, we're dealing with two, I think, horrific collapses or calamities as it relates to incarcerated facilities. One, our local jail has been found over the past 10 years to have had 117 deaths -- individuals who went in and -- you know, local jails are basically holding places. Sometimes you serve a six-month sentence. But basically, you're being held on your way somewhere else or waiting for trial -- crises where we've had individuals fallen ill and those who are responsible then say what do you want me to do? Get a band-aid. Someone is laying in a pool of blood.

Then we've had the Texas Youth Commission that now is renowned for sexually abused incarcerated youth. That says to me that the whole system needs overhauling, and people have not listened. But I think it is a good step that we're making today dealing with the question of the idea of the next step. So, I know the witnesses have answered questions. I welcome Steve Lufburrow, because he is an institution in our community. His family is an institution. He's always been on the forward side of things.

And so, let me just pose to Warden Cowley the idea of a second chance bill. Can it be the wave of the future -- one, in terms of maybe even how we look at potential incarcerated persons before they go in; and how we look at them coming out? The question to you.

To Mr. Lufburrow, how do we impact state systems? We're dealing with a federal bill. But how do we impact state systems and get them to understand that a goodwill program is a valuable program and a good alternative to having someone incarcerated for 20, 30, 40 years, certainly if they have perpetrated a non-violent act.

And I believe I'm looking at -- I've had for a number of years a bill dealing with the early release of older non-violent offenders. I see this section. I assume it's taken from my bill. I hope that is the case. I'd asked about this to the staff of this committee. And I see it here in this bill. So, maybe I will get an explanation about it as to relate to whether or not it is the good time early release language or not.

But I do want to try and find out about the value of individuals who have been in this incarcerated condition, and they're older. They may be aging and get, if you will, sick. And what is the purpose of keeping them incarcerated? What about these programs being useful for them.

So, let me just yield, because I see the light. And I see Mr. -- is it Roger? If you'd be kind enough to answer. Yes, Roger Peters, Ph.D.

Mr. Cowley?

COWLEY:

Whether or not the bill could be the waver of the future, again cheerleading is a valuable tool, particularly in corrections, the criminal justice system, where we've been bombarded for years and years literally about get tough, get tougher. And when you say that, means the life isn't valued. Let's just lock them up and throw them away the key. The heck with them.

And wardens know. Wardens know their inmates to a great degree, even in larger prisons. They know who is worthy and who isn't. And yet we look at them all the same anymore. So, this gives us an -- it is the wave of the future, because it sends the clear message that there is an opportunity for a second chance.

We had a collaborator meeting. In Dallas, Texas, we're starting a God pod at the Hutchins State Jail. And we had over 35 faith-based and community organizations show up to get involved. The warden came and welcomed them. And that is the wave of the future.

JACKSON-LEE:

Thank you.

Mr. Lufburrow?

LUFBURROW:

Thank you very much for your comments also. And thank you for having me here today. How do we impact state systems? Collaboration is the key. We didn't used to have collaboration as much in the agencies throughout the states. And now we're all a lot more open to it. And we're working with all the different agencies. For instance, in Texas, we have 18 different Goodwills that spread a whole lot of our Texas territory. And we're all working with other organizations -- state, local, you name it -- trying to work together for good, trying to make a change in people's lives.

And the lack of funding is an issue, even on the state level. And it's something that we need to continue to address. But, I tell you, our hearts are pretty big in these worlds of not for profits. We do seem to care a lot about the people that we work with. And we're compassionate about the problems, because we do see it on a day-to-day level. But the funding to make it happen is important to us.

And we can't all be good at all things. And so we've had to decide at Goodwill across the state and across the country, what are we really good at? We're really good at providing job opportunities, training and placement into the competitive business world.

Then we need to work with the folks that are really great with the housing side, and the drug abuse and the alcohol treatment side.

And I think the collaboration answers your question. I went around a long way. But I wanted to get that in. So, collaboration, I hope, is the answer that you were looking for. And certainly, I will stand behind.

JACKSON-LEE:

Dr. Peters.

PETERS:

If I understand your question, Representative Jackson- Lee, it's about the elderly?

JACKSON-LEE:

Yes.

PETERS:

About their amenability to treatment and what we need...

JACKSON-LEE:

And their amenability to an early release -- having individuals incarcerated for ever and ever and ever, is it good that non-violent offenders would have that option to be released?

PETERS:

I think it's a very important area. As we all know, the tremendous number of the elderly are now in jails and prisons, particularly prisons, spending time in larger proportion than ever before. They pose slightly different substance abuse problems and issues than other offenders too. And because of that, we need some unique solutions. They're more likely to use alcohol and prescription medications rather than methamphetamine, cocaine, some of the other drugs of abuse that we're used to with our traditional offenders.

And because of that, I think we need specialized treatment approaches. And SAMSA has developed those. In fact, there's treatment manuals now for the elderly with substance abuse. It recognized some of these other specialized needs of the elderly, including depression, for example, and other mental health needs that are sometimes, kind of, under the radar that are silent that we don't pick very often and don't get attention, because they're not vocal and don't come to the forefront with these other problems. So, there are some interventions that are available, but we need to develop more of those. And certainly research is needed by NIDA and other agencies to examine the impact of those interventions.

I think you've raised an important point. We have a lot of people aging in our prisons right now. What can we do with them? And how does re-entry fit with that? I think that we talked about today some of the those solutions that can be effective for this group which are, for example, in-prison treatment plus work release and re-entry services.

Pre-release services that we talked about today can be particularly useful for the elderly, which in many ways are a lower risk category for acting out and recidivism than are other populations and are quite good candidates for these release programs that couple in-prison treatment with treatment after release from custody. So, that is a really good group and I think a very good set of candidates for the programs that are described in this bill, and that we'll be able to examine those carefully down the road.

JACKSON-LEE:

Thank you.

PETERS:

Thank you.

JACKSON-LEE:

And thank the Chairman very much.

SCOTT:

Thank you.

Mr. Coble.

COBLE:

Mr. Chairman, let the record show that during the time I served as chairman of this subcommittee, not once did the microphones fail. But I will say to Chairman Scott, he and I worked very diligently last session on this, along with others as you mentioned, Mr. Chairman, Congressman Cannon among others. This is an important piece of legislation. Obviously, you gentleman continue to work diligently as well.

Mr. McDonald, you've had extensive experience in this matter with former prisoners. Let me ask you this. Should we focus more on treatment while prisoners are incarcerated or after they have been released and acclimating back into society? Or are they both about equal?

MCDONALD:

Congressman, I've been sitting here wishing somebody would ask me that question. So, thank you very much.

My experience is with post-release, well, we go into a prison right before somebody's going to be released on parole. We don't work in the prison. So, I don't have any expertise. I haven't ever been a warden. Thank the Lord and I haven't ever been an inmate.

But I can tell you that, out of the people that we see in New York City, 77 percent are African-American, 70 percent haven't graduated from high school, 88 percent have a long substantial history of substance abuse, and 78 percent have been formerly incarcerated. Now, those are the people that are coming through the front door of our intake homeless shelter. 78 percent have been formerly incarcerated.

So, I'm here to tell you that the hardest thing in the world to do, or the hardest thing for us to do, is to get a man a job after he's come out of prison. And you can't do that for him when he's in prison. You have to do it when he gets out of prison in some manner, shape or form.

COBLE:

Thank you.

MCDONALD:

But it's an economic opportunity for him to take responsibility for himself and work. And there are so many barriers that are created for this fellow to get on the right road that, you know, we welcome this act.

COBLE:

I thank you for that, Mr. McDonald.

Mr. Cowley, you mentioned the lock 'em up and throw away the key philosophy. And many people continue to embrace that. At one time I embraced it.

COWLEY:

Sure.

COBLE:

But I was younger and less wise, not to say that I'm wise now. But I'm wiser now than I was then. Prison overcrowding plagues us. Recidivism plagues us. Those two issues have caused me to change my thinking about that.

COWLEY:

Good.

COBLE:

And I no longer embrace that theory. Now, in your testimony, Mr. Cowley, you mentioned the 34 percent vacancy rate. I'm not sure what that means.

COWLEY:

No, I was talking about the employees. He had a 34 percent vacancy rate in his employees. He was down 34 percent of his staff.

COBLE:

Oh.

COWLEY:

That's what I was referring to.

COBLE:

OK. I didn't follow that.

Mr. LoBuglio, my state, North Carolina, has embraced the re-entry approach. But I'm convinced that more can be done with federal support in large part through funding. Which grants or federal funds are used by your office? And what funding, in your belief, is most needed to improve your services?

LOBUGLIO:

We don't use federal grants in my program in Montgomery County. The federal money that's out there for re-entry is a Serious and Violent Offender Re-Entry Initiative. And that funding is in Baltimore programs.

In terms of your latter question, how can the federal money be used? It can promote those jurisdictions that do need assistance in spurring the development of re-entry programs. I think it can also be used to get collaborators to the table, stakeholders to the table, who aren't there now. And those stakeholders are both social service agencies, the faith-based organizations, law enforcement agencies gathering around the table talking about re-entry.

I think the experience of the previous \$100 million that was spent under the Serious and Violent Offender Re-entry Initiative is very helpful for us as we consider this legislation. That legislation has sponsored a number of very exciting collaboratives. And one of the findings now that's being done -- the evaluation is being done by the Research Triangle Institute in North Carolina and the Urban Institute -- they're running a national evaluation. They're conducting over 3,000 -- they've conducted already over 3,000 interviews with individuals while they're incarcerated and post-release. They're finding that most of those collaborations and most of those programs are continuing, even as the grant funds stop.

COBLE:

Mr. Chairman, as you and Mr. Forbes know, I'm not one who advocates hurling federal money at every problem that surfaces. But I think this is one situation where it's justified. And I thank you, Mr. Chairman.

And thank you, gentlemen, for being with us.

SCOTT:

Thank you. Thank you, Mr. Coble. And when we, quote, "throw money" at this situation, we end up saving more money, having money thrown back on us if we make those important investments. I thank you.

Representative Forbes, do you have a final comment?

FORBES:

Yes, Mr. Chairman. First of all, once again, I'd like to thank all the witnesses. But the chairman raised some good points earlier when he talked about prison rape and some of the conditions in the prisons. And now only has Mr. Lungren worked hard on that, but so has Frank Wolf and several other members.

And one of the things Chairman Scott and I have talked about recently is we're not quite as optimistic, Mr. Cowley, as you are that we can change it overnight. But at least we can bump it in the right direction. So, we actually plan to make some trips around the country and visit our prisons and talk to some of the inmates and see what we can do to alleviate some of these situations.

We won't change the whole system. That's not going to happen. But we can make some big differences. So, we think that's going to happen. And we've agreed to do that.

SCOTT:

Thank you.

And I want to thank the witnesses for their testimony today. Members may have additional written questions for our witnesses. I would ask them to forward them to you. And if we can get responses as quickly as possible, we can make them part of the record. And without objection the hearing record will remain open for one week for submission of additional materials. And without objection, the committee is now adjourned.

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