

**Testimony of Pat Nolan to the Joint Subcommittee to Study the  
Commonwealth's Program for Prisoner Reentry to Society  
Pursuant to SJR 273 (2005)  
October 12, 2005**

**Safer Communities and Fewer Victims - Helping Virginia's Prisoners Reenter  
Society Successfully**

Madame Chair and honorable members, I am grateful for this opportunity to share some thoughts on how Virginia can make our communities safer and reduce the number of victims by helping offenders make a safe and successful transition from prison to the community.

My name is Pat Nolan. I am a Vice President of Prison Fellowship and serve as President of their criminal justice reform arm, Justice Fellowship. I bring a unique background to Prison Fellowship. I served for 15 years as a member of the California State Assembly, four of those as the Assembly Republican Leader. I was a leader on crime issues, particularly on behalf of victims' rights. I was one of the original sponsors of the Victims' Bill of Rights (Proposition 15) and was awarded the "Victims Advocate Award" by Parents of Murdered Children.

I was prosecuted for a campaign contribution I accepted, which turned out to be part of an FBI sting. I pleaded guilty to one count of racketeering, and served 25 months in a federal prison and four months in a halfway house. During my time in prison, I had an opportunity to see the impact of the programs that I had so ardently supported while in the legislature. What I saw troubled me, because I observed that little was being done to prepare my fellow inmates for their release.

Now, God has placed me in a position that I can share these observations with criminal justice officials, using my experiences as a lawyer, legislator and prisoner to improve our justice system. I work with government officials to find practical ways to apply restorative justice to help victims, reform the hearts of offenders and restore a sense of community to neighborhoods long plagued by crime. A major focus of Justice Fellowship's efforts is on insuring that offenders are better prepared to live healthy, productive, law abiding lives on their release.

Since January, I have been to 15 states, working with governors, attorneys general, directors of corrections, judges, victims, legislators, prosecutors and pastors to address this very important issue. I am honored to be able to share some of my observations with you.

First, I would like to compliment you and the Virginia legislature for establishing this panel. While Congress is considering legislation on prisoner reentry and many states are attempting to address the issues surrounding the transition of prisoners, you are one of the

few states to seize the initiative and establish a mechanism to develop a comprehensive effort.

The scope of prisoner reentry is enormous. Nationally, more than 600,000 inmates will be released from America's prisons this year. To put that in context, that is three times the size of the U.S. Marine Corps. That is an average of over 1,600 offenders per day returning to neighborhoods across the country. These men and women are coming out, whether we like it or not.

The key questions are: "What kind of neighbors will these returning inmates be? What has been done to prepare them to live healthy, productive, law-abiding lives?" Each of us has a stake in seeing that these men and women make a safe and successful return to their communities. Yet, today very little is being done to help them make that transition successfully. As President Bush said in his 2004 State of the Union address, "We know from long experience that if they can't find work, or a home, or help, they are much more likely to commit more crimes and return to prison."

The fact of the matter is most of the inmates we have released *do* commit more crimes. Over the last thirty years, the rate of rearrest has hovered stubbornly around sixty-seven percent. If two-thirds of the patients leaving a hospital had to be readmitted soon thereafter, the public would quickly find a new place to be treated. If we are to have safer communities, we must find a different way to prepare inmates for their release.

Currently, most offenders are released after years in overcrowded prisons where they were exposed to the horrors of violence—including homosexual rape—isolation from family and friends, and despair. Most are idle in prison, warehoused with little preparation to make better choices when they return to the free world. Just one-third of all released prisoners will have received vocational or educational training in prison.

The number of prisoners released is now four times what it was 20 years ago, yet there are fewer programs to prepare them to return to their communities. While approximately three of every four inmates released from prison have a substance abuse problem, only one in five has received drug treatment.

These men and women face additional barriers, often called "invisible punishments": They are frequently denied parental rights, driver's licenses, student loans, the right to vote, and residency in public housing—which is often the only housing that they can afford.

Further, little is done to change the moral perspective of offenders. Most inmates do not leave prison transformed into law-abiding citizens; in fact, the very skills inmates develop to survive inside prison make them anti-social when they are released. Most are given a bus ticket to their hometown, gate money of between \$20 and \$200, and infrequently a new set of clothes. Upon leaving prison they will have great difficulty finding employment.

If we do not prepare these inmates for their return to the community, the odds are great that their first incarceration will not be their last. The statistics tell the story. A recent study by the Bureau of Justice Statistics found that two out of three released inmates were rearrested within three years, victimizing more innocents in the process. Over the last 30 years, the rate of rearrest has hovered stubbornly around 67 percent.

The moment offenders step off the bus they face several critical decisions: Where will they live, where will they be able to find a meal, where should they look for a job, how will they get from one place to the next, and where can they earn enough money to pay for these necessities? These returning inmates are also confronted with many details of personal business, such as obtaining various identification cards and documents, making medical appointments, and working through the many everyday bureaucratic problems that occur during any transition. These choices prompt feelings of intense stress and worry over the logistics of their return to the outside world. To someone who has had no control over any aspect of their lives for many years, each of these problems can be vexing. In accumulation, they can be overwhelming.

My own experience provides a good example. Shortly after my release from prison to the halfway house, some friends took me to lunch at a local deli. The waiter came over to take our orders. Everyone else told him what they wanted, but I kept poring over the menu. My eyes raced over the columns of choices. I knew that I was supposed to order, but the number of options overwhelmed me. My friends sat in embarrassed silence. I was paralyzed. The waiter looked at me impatiently. I began to panic. I was mortified that I wasn't able to do such a simple thing as order lunch. Finally, in desperation I ordered the next item my eyes landed on, a turkey sandwich. I didn't even want it, but at least it put an end to this embarrassing incident.

For two years I hadn't been allowed to make any choices about what I ate. Now I was having a hard time adjusting to the simple options most people deal with every day. If I had this much difficulty after only a couple of years in prison, think how hard it is for those inmates who have none of the advantages I had when growing up, who didn't have the good family, the good education, the strong faith that I was blessed with, who haven't been given any choices for five, ten, or fifteen years. When faced with a baffling array of options, is it any surprise that so many newly released prisoners make some bad choices and end up back in prison?

The choices offenders make immediately after release are extremely important. Of the ex-prisoners who fail - are rearrested - over half will fail within the first six months. That is not much time to turn their lives around. One study of rearrests in New York City found that the rate was especially high during the first hours and days following release. This early window of time is the most intense period for ex-prisoners, when they may be overwhelmed by the accumulation of large and small decisions facing them. On average, ex-offenders have only a one-in-three chance of getting through their first three years without being arrested.

As the number of people released from prison and jail increases steadily, we cannot afford to continue to send them home with little preparation. These policies have harmed too many victims, destroyed too many families, overwhelmed too many communities, and wasted too many lives as they repeat the cycle of arrest, incarceration, release and rearrest. The toll this system takes is not measured merely in human lives: The strain on taxpayers has been tremendous. As jail and prison populations have soared, so have corrections budgets, creating fiscal crises in virtually every state and squeezing money that could be spent on schools, health care, and roads from state budgets.

It does not have to be this way. Fortunately, there are many things that the government in partnership with the community, and in particular our churches, can do that increase the likelihood that inmates will return safely to our communities.

At the federal level, a broad coalition of groups spanning the political, economic and religious spectra has been working with Congress on the “Second Chance Act” (HR 1704). Congressmen Bobby Scott and Tom Davis are among the congressional leaders co-sponsoring the bill. Senators Brownback, Biden and Specter will introduce a similar bill this week. The legislation seeks to strengthen inmate families and improve the provision of services to returning inmates.

To strengthen families the bill will:

- Encourage community nonprofit organizations and churches to mentor adult and juvenile offenders.
- Rewrite regulations to encourage family preservation and safety services for families impacted by incarceration.
- Allow family members of offenders to be involved in facilitating the successful reentry of offenders into the community.
- Encourage expansion of family-based treatment centers that offer comprehensive treatment.
- Develop prisoner and family policies, procedures, or programs to help prisoners reconnect with their families and communities.
- Encourage states to remove obstacles to the maintenance of family relationships while the offender is in custody.

To assist states and the federal governments improve their reentry programs it will

- Encourage the states to coordinate their programs to assist inmates find jobs, housing, substance abuse and mental health treatment, and assist their children and families.
- Establish the National Offender Re-Entry Resource Center to help states, local governments, service providers, faith-based organizations, corrections and community organizations by collecting and disseminating best practices.
- Coordinate federal programs and resources on re-entry, and identifying federal barriers that exist to successful re-entry.

- Conduct research to provide hard data about reentry on which decision makers can design their programs.

The legislation is very likely to pass this year. It is good that you are already at work on improving Virginia's reentry policies and programs so that you are prepared to take advantage of this legislation when it becomes law.

You are probably already aware of the "Report of the Reentry Policy Council" issued by the Council of State Governments. It is an excellent guide for states in evaluating and improving their reentry programs. It will be a great resource for this panel, because it is the most comprehensive source of research and promising practices in this field.

As you work to improve Virginia's reentry programs, I suggest you keep several concepts in mind

**1) The goal of our criminal justice system is to create safer communities and reduce the number of victims.** There is a tendency in many criminal justice systems to focus on institutional safety and convenience, rather than community safety. If you were to have this narrower institutional focus, the surest way to avoid escapes and riots would be to keep prisoners in their cells 24 hours a day, seven days a week. However, the public would be greatly endangered when prisoners confined in those circumstances were released. Encouraging inmates to participate in programs and interact with community volunteers increases risk that security will be compromised, it also greatly increases the probability that the inmates will make a successful transition after release. Obviously, institutional safety is important, but community safety is even more important. Each policy you consider should be judged by whether it makes the public safer.

**2) Reentry planning should start at intake.** Planning for the release of inmates should start as soon as they are sentenced. Decisions on prison assignment should include factors such as the proximity of the prison to the inmate's family and the availability of needed programs.

**3) Programs are important, but healthy relationships are even more important.** A new study by the National Council on Crime and Delinquency provides a clear warning to all of us involved in programs that prepare inmates for release: programs alone don't reduce recidivism. In the report, "Implementation and Outcome Evaluation of the Intensive Aftercare Program: Final Report", the NCCD studied three Intensive Aftercare Programs (IAP) that sought to reduce recidivism among high-risk, incarcerated juveniles by providing them with many services that would not usually be available to them, and provided low staff to offender ratios in case management. The study found that the IAP programs "did not have an influence on recidivism".

This should not discourage those working to reduce recidivism among returning offenders. The IAP programs are excellent models of targeting staff attention and services on at-risk offenders. However, they lacked one element that Prison Fellowship has found essential to successful reentry: a relationship with a loving mentor who will

assist the offender during the critical first few months of freedom. The IAP programs are focused on “case management” and are very process oriented. Add a relationship with a good mentor, and you have the recipe for success.

The support and accountability provided by mentors often make the difference between a successful return to society and re-offending. As offenders make the difficult transition back into the community, they need relationships with caring, moral adults. The greater the density of good people we pack around them, the greater the chance that they will be successfully replanted back into the community.

**4) Encourage inmates to participate in faith based programs.** To deal effectively with crime, we must first understand it. At its root, crime is a moral problem. Offenders make bad moral choices that result in harm to their victims. To break the cycle of crime, we must address this immoral behavior. There aren’t enough police officers to stop everyone tempted to do something bad from doing it; inmates must rely on inner restraint to keep from harming others.

Job training and education alone won’t transform an inmate from a criminal into a law-abiding citizen. For some inmates such programs merely make them smarter, more sophisticated criminals. It is a changed heart that can transform a prisoner into a law-abiding citizen. Unfortunately, many prison programs ignore the moral aspect of crime and avoid all discussion of faith and morality. In doing so, they are missing a significant factor that has proven effective at changing criminals’ behavior: faith. If inmates are to live healthy, productive, law-abiding lives when they return to their communities, we must equip them with moral standards to live up to and a worldview that explains why they should do so.

**5) Develop graduated sanctions for violations of terms of release.** The response to a technical violation should not automatically result in return to prison. Obviously, it is important for offenders to learn to live by the rules. However, if an offender is making good progress it makes little sense to throw that all away because he didn’t file his paperwork on time or missed a meeting with his probation officer. One judge told me, “Right now, I can either send him back to prison or let him go to the beach. Give me something in between.”

**6) The community should “own” reentry.** There is a tendency to view reentry as a program of state corrections departments. While the DOC is certainly central to the reentry process, it is the community that is the real party in interest. In some states, DOC policies make it difficult for community and church groups to be involved in preparing inmates for release. For instance, some states prohibit religious volunteers from being in contact with inmates after they are released. This policy cuts the inmates off from the very people most likely to be able to help them make a successful transition. Other states don’t give notice to community groups of a firm release date in order to “keep their options open”. This focus on institutional convenience makes it impossible to recruit, match and train mentors, locate appropriate housing, arrange for jobs or welcome the

inmates at the bus. For reentry programs to be a success, community groups and churches should be viewed as partners with the state, not as mere auxiliaries.

I have written a book *When Prisoners Return*, which is a resource for departments of corrections, churches and community organizations working to help offenders during the difficult transition from prison to the community. I have provided a copy for each of you in the hope that it would provide some insights into this challenge you have undertaken.

I applaud you for your leadership and look forward to working with you as you develop your report.