

## Chapter 5 Redemption

Over the last two decades, the scope of the criminal justice system has been expanded as a means of social control. But this expansion has had a dampening effect on opportunity. Opportunity is threatened by high rates of incarceration and the disproportionate impact of the criminal justice system on low-income communities of color. Policies that limit access to educational resources, provide inadequate resources to address prisoners' health problems, and deny the vote and access to public benefits, also hurt opportunity--often well after offenders have paid their debts to society. Measures of these problems demonstrate that opportunity for redemption is in crisis and may be more threatened than any other dimension of opportunity (major findings of this chapter are summarized in Box 5).

### **Box 5: Is Opportunity for Redemption in Crisis?**

#### *Major Gains in Redemption*

- None

#### *Areas of Limited or No Progress*

- Although trend data are largely unavailable, the percentage of inmates who have untreated substance abuse or mental health problems remains unacceptably high.

#### *Areas Where Redemption has Declined*

- Rates of incarceration have increased dramatically in the United States since 1980, despite the fact that crime rates began declining in the 1970s and 1980s. There are currently more than 2.1 million people incarcerated in the United States, a rate of incarceration far higher than that of any other nation, and unprecedented in U.S. history.
- Mass incarceration has had disproportionate effects on communities of color. At the current rate, about 1 in 3 African-American males, 1 in 6 Hispanic males, and 1 in 17 white males born in 2001 will spend time in prison at some point in their lifetimes--rates much higher than what they were in 1991 or 1974.
- The rate of incarceration of women has increased more than twelvefold since 1980.
- An increasing number of children are being adjudicated in adult courts and sentenced to prison terms, despite the fact that the incidence of serious and violent crimes by youth is decreasing. The number of juvenile offenders in state prisons more than doubled from 1985, when 3,400 youth under age 18 were admitted to state prison, and 1997, when 7,400 juveniles were admitted to state prison.
- The number of children with a parent in state or federal prison increased from 936,500 in 1991 to 1.5 million in 1997, the last year that prisoners were surveyed by the federal government. In 1997 an estimated 336,300 children were directly affected by the imprisonment of a parent who lived with them.

People grow and change over time in response to their circumstances, and those who falter or break societal rules warrant the chance for rehabilitation and a new start. Redemption is an element of opportunity that provides the conditions that allow people to rebuild their lives and to take full responsibility for their actions after mistakes or misfortune. Redemptive policies use rehabilitative approaches that are appropriate and proportionate to a person's conduct, culpability, and circumstances. Those who design these policies recognize that rehabilitation can be a rocky road that requires patience and

compassion as well as swift and sure intervention. Redemptive policies reject the principle of retribution, which delivers punishment as revenge.

Accordingly, redemptive policies treat problems of drug addiction and mental illness through public health responses designed to help people conquer these problems. Designers of redemptive policies view incarceration as an opportunity-ending event that is a last resort, and use restorative approaches that address the harms caused by misconduct. They recognize that the best way to protect the public from crime and violence is by addressing their causes and by reducing recidivism by building the social and economic skills of people who have resorted to crime. They consider the impact of crime and punishment on individuals, families, and communities. And they realize that denying the fundamental rights to vote, to housing, and to education is contrary to the goal of a return to productive citizenship.

These ideals are reflected in human rights law, including the International Covenant on Civil and Political Rights, which provides that, “The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation.”<sup>1</sup> Many states have made these ideals part of their constitutions. Illinois’s constitution for example, provides that “All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship.”<sup>2</sup>

The idea of redemption is especially powerful when it comes to children, who have virtually unlimited potential to develop and change with age and experience, and who are by nature less responsible for their circumstances. A century ago the United States developed a separate juvenile justice system that aimed to reform children’s behavior, shield them from adults convicted of crimes, and protect their ability to enter adulthood with a clean record and a fresh start.

Similarly, the Covenant on Civil and Political Rights provides that “Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.” The Convention on the Rights of the Child provides that “the arrest, detention or imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate period of time,” and that “every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of their age.”<sup>3</sup>

For the better part of the last century, criminal justice policies of most states and the federal government were guided by rehabilitative philosophies. Today, many criminal justice policies and practices have closed the door to opportunity. Moreover, the stigma of incarceration damages employment prospects and increases the likelihood of being discriminated against when seeking a job. Stigma and discrimination also affect opportunity prospects for the children of the incarcerated, more than 300,000 of whom are directly affected by the imprisonment of a parent. Finally, whole communities suffer opportunity losses when large segments of residents are involved in the criminal justice system. High levels of incarceration render families less stable; siphon off resources that

are needed for social, health, and education programs; and keep streets unsafe as offenders cycle in and out of prisons with few skills or resources to right their course.<sup>4</sup>

We measure redemption here by national progress in adopting and expanding criminal justice policies that provide opportunity for those in the criminal justice system who can contribute positively to society. Indicators of redemption are based on measures of incarceration trends over time, federal treatment of immigration offenses, mental health and substance abuse testing and treatment, drug offenses over time, and juvenile justice policies.

### **About the Data in this Chapter**

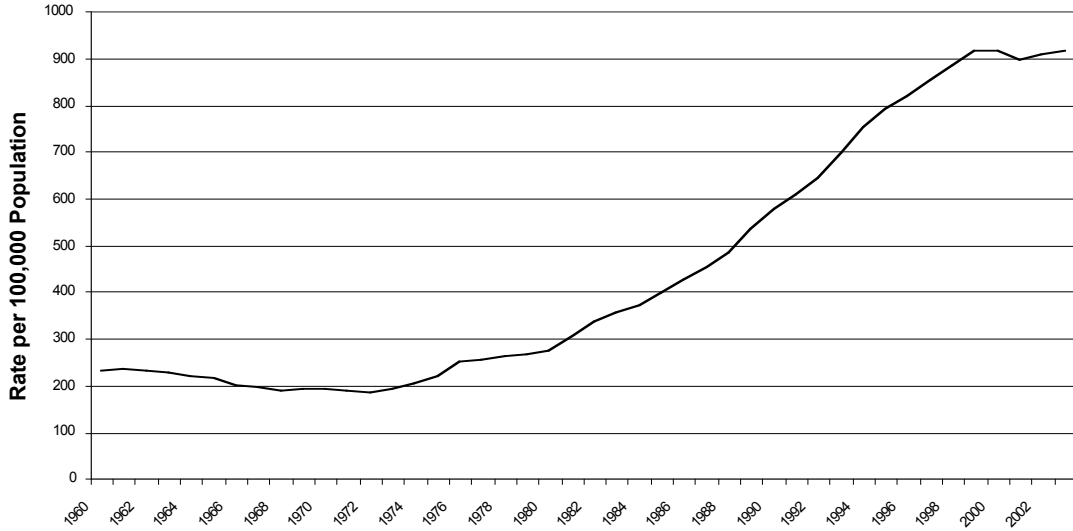
For this chapter we use data and analyses published by the Bureau of Justice Statistics (BJS), the research branch of the Department of Justice. The Bureau publishes regular reports on a wide range of criminal justice measures and is the preeminent resource for criminal justice data. As with other federal sources, the BJS reports suffer from inadequacies in racial and ethnic data, as well as other data limitations. Few reports include racial or ethnic groups other than whites, African Americans, and Hispanics, and data are often unavailable for Hispanics earlier than 1990. Data on female prisoners is lacking for many measures. Finally, some of the time trends presented here are based on only a few years of data. Trends are therefore interpreted with caution, as even dramatic changes in data in a short time may reflect only a fleeting trend.

### **Incarceration**

The United States has witnessed a dramatic rise in the rate and number of people incarcerated in federal, state, and local prisons. There are currently more than 2.1 million people incarcerated in the United States, a rate of incarceration far higher than that of any other nation, and unprecedented in U.S. history.<sup>5</sup> This increase began in the 1980s and continued through the 1990s, and has leveled slightly within the last ten years (see Figures 5-1 and 5-2).<sup>6</sup> This increase was more dramatic among women than men.<sup>7</sup> The rate of incarceration of women increased more than twelvefold between 1970 and 2003.<sup>8</sup> The unprecedented growth in the nation's incarcerated population has occurred despite a significant decline in rates of crime and violence.

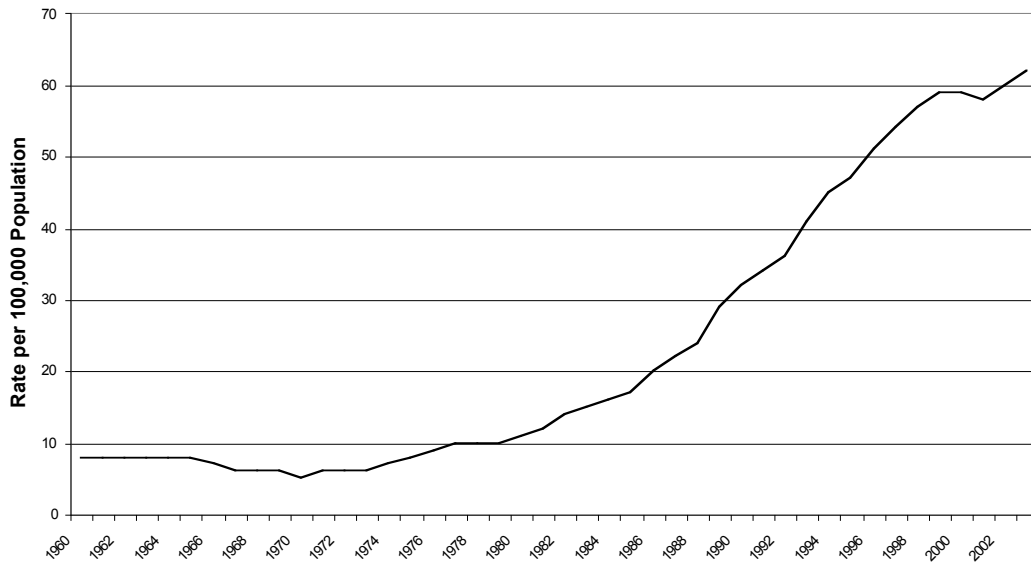
**Figure 5-1. Rate of Sentenced Male Prisoners Under Jurisdiction of State and Federal Correctional Authorities, 1960-2003**

Source: Bureau of Justice Statistics, 2003



**Figure 5-2. Rate of Sentenced Female Prisoners Under Jurisdiction of State and Federal Correctional Authorities, 1960-2003**

Source: Bureau of Justice Statistics, 2003



In mid-2004, 2.13 million people were incarcerated. Of these, more than 1.4 million were in state or federal prisons and more than 713,000 people were in local jails.<sup>9</sup> In

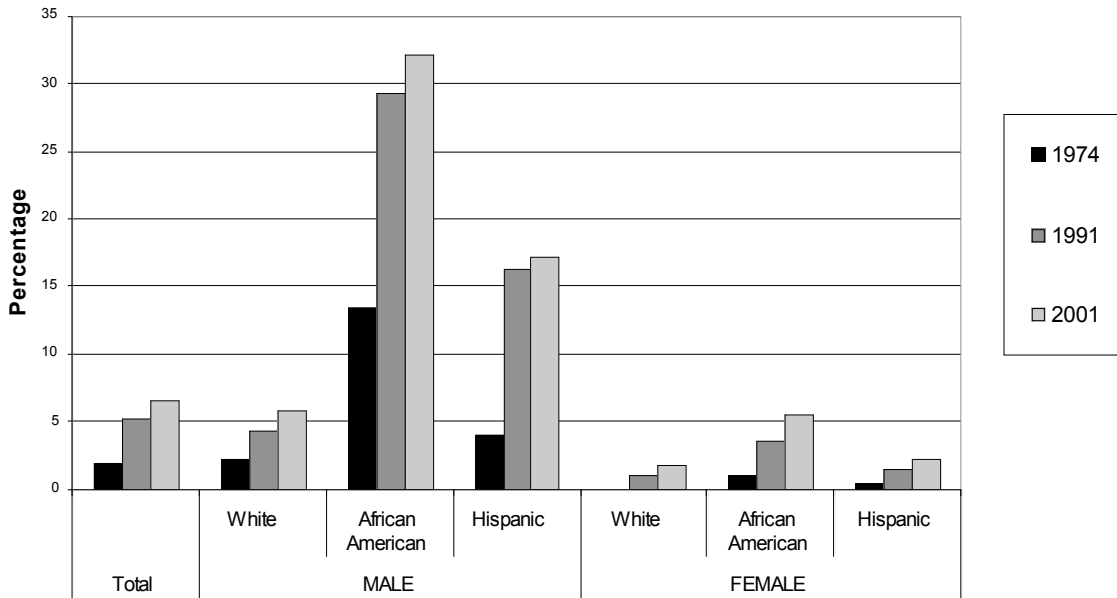
2003 more than 5.6 million U.S. adults had ever been incarcerated, about 1 in every 37 U.S. adult residents.<sup>10</sup>

If this rate of incarceration persists, an estimated 6.6 percent of all babies born in the United States in 2001 will go to prison at some point in their lives, an increase from a 5 percent likelihood in 1991 and a 2 percent likelihood in 1974.<sup>11</sup>

Based on current trends, about 1 in 3 African-American males, 1 in 6 Hispanic males, and 1 in 17 white males born in 2001 will spend time in prison at some point in their lifetimes (see Figure 5-3).<sup>12</sup>

**Figure 5-3. Lifetime Likelihood of Going to Prison by Race, Ethnicity and Gender, 1974, 1991, and 2001**

Source: Bonczar, 2003



About two-thirds of the 3.8 million increase in people incarcerated between 1974 and 2001 is due to an increase in the rate of first incarceration.

In 1997 over three-quarters of nonviolent offenders about to be released from state prisons were convicted of a nonviolent offense, defined as property, drug, and public order offenses that do not involve threats or actual harm to a victim.<sup>13</sup>

The number of children with a parent in state or federal prison increased from 936,500 in 1991 to 1.5 million in 1997, the last year that prisoners were surveyed by the federal government.<sup>14</sup> Slightly less than half of state and federal prisoners reported living with their children prior to incarceration. As a result, in 1997 an estimated 336,300 children were directly affected by the imprisonment of a parent who lived with them.<sup>15</sup>

A Bureau of Justice Statistics survey of state prisoners in 1997 found that over 40 percent of nonviolent offenders about to be discharged from state prison had less than a high school degree, and only 26 percent of them had earned a G.E.D.

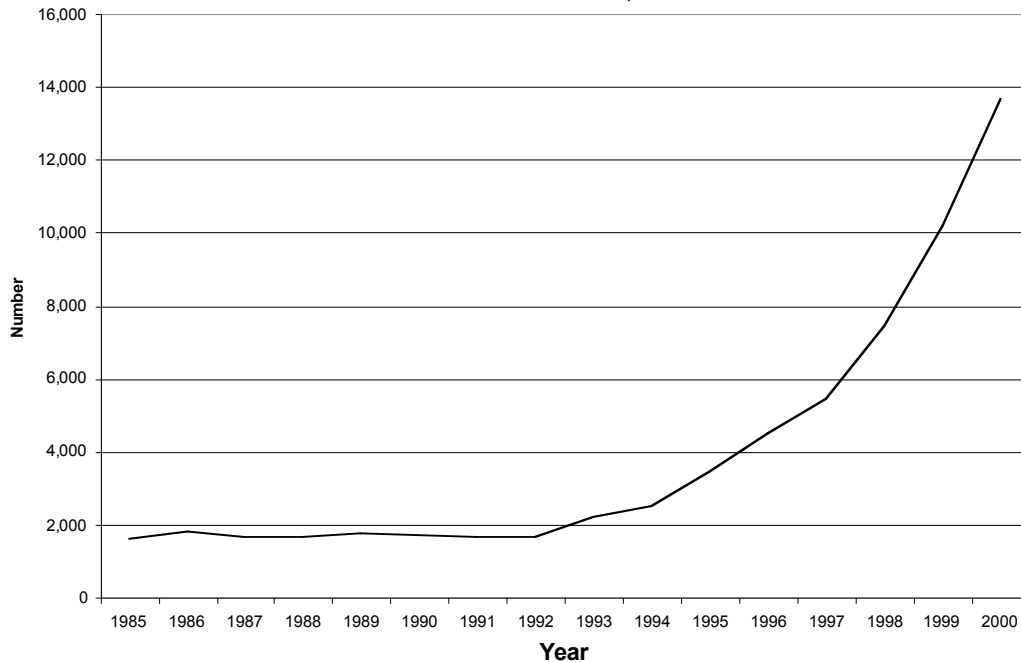
### Immigration Offenses

Changes in federal law and practice regarding immigration, such as severe penalties for minor crimes because of past immigration violations, also reduce opportunities for redemption. Changes in federal sentencing policies in the 1980s and 1990s, as well as the Immigrant Responsibility Act of 1996, stiffened immigration violation penalties, expanded the types of crimes that are considered aggravated felonies, and increased the likelihood of sentencing offenders to prison. These policies also increased enforcement and prosecutions.

As a result, between 1985 and 2000 the number of immigration offenders serving federal prison sentences increased almost ninefold, from 1,600 to 13,700 (see Figure 5-4).<sup>16</sup> The average time served by these prisoners increased from 4 months in 1985 to 21 months in 2000 (Figure 5-5), despite the fact that these immigration violators were not likely to be repeat offenders. Only 13 percent of immigration violators were returned to federal prison within three years of their release.<sup>17</sup>

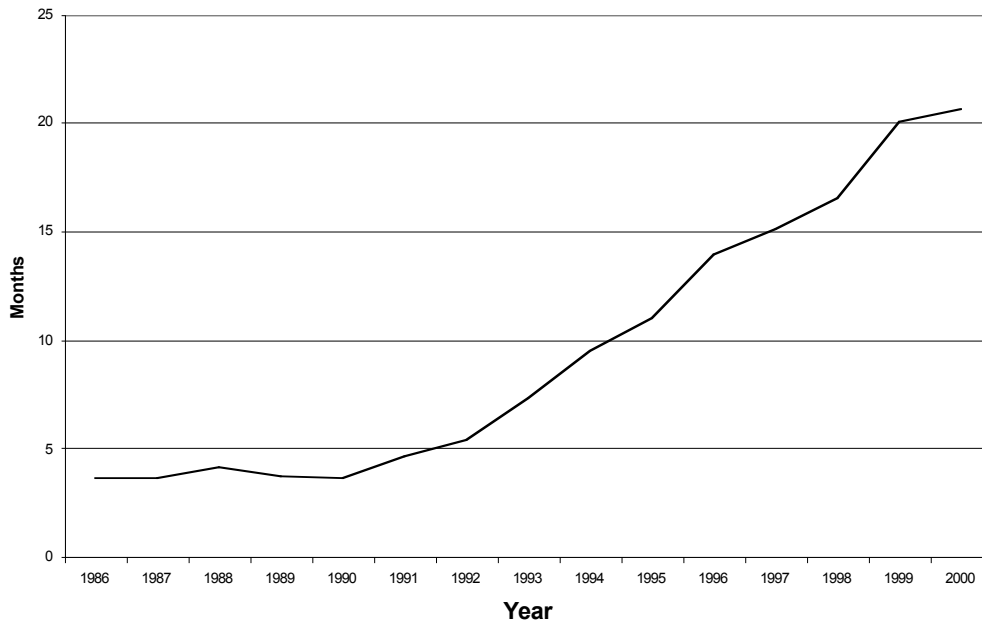
**Figure 5-4. Number of Immigration Offenders Serving Time in Federal Prisons, 1985-2000**

Source: Scalia and Lintras, 2002



**Figure 5-5. Average Time to be Served by Immigration Offenders Entering Federal Prisons, 1986-2000**

Source: Scalia and Lintras, 2002



### **Drug Treatment for Substance-Abusing Prisoners**

Rates of substance abuse among incarcerated populations are so high that the U.S. criminal justice system is arguably the nation's largest portal for people with mental illness and substance abuse problems.

The BJS's 1997 survey found that over 80 percent of state and 70 percent of federal prisoners had used drugs in the past, and that 57 percent used drugs in the month before their conviction.<sup>18</sup> Nearly two-thirds of nonviolent offenders about to be discharged used illegal drugs in the month prior to committing the crime for which they were jailed, and about 40 percent reported using drugs at the time that they committed the offense.<sup>19</sup>

A 1998 BJS survey found that although 71 percent of local jails have policies to control drug use in their facilities, smaller jails (those with fewer than 50 inmates) were 10 percent less likely to test for substance abuse among inmates or staff. Only about half of inmates in local jails were in facilities that tested for drug use.<sup>20</sup> Of these jails, over two-thirds (69 percent) found at least one positive test. Only 5 percent of local jails, however, have a policy to test all inmates at admission.<sup>21</sup>

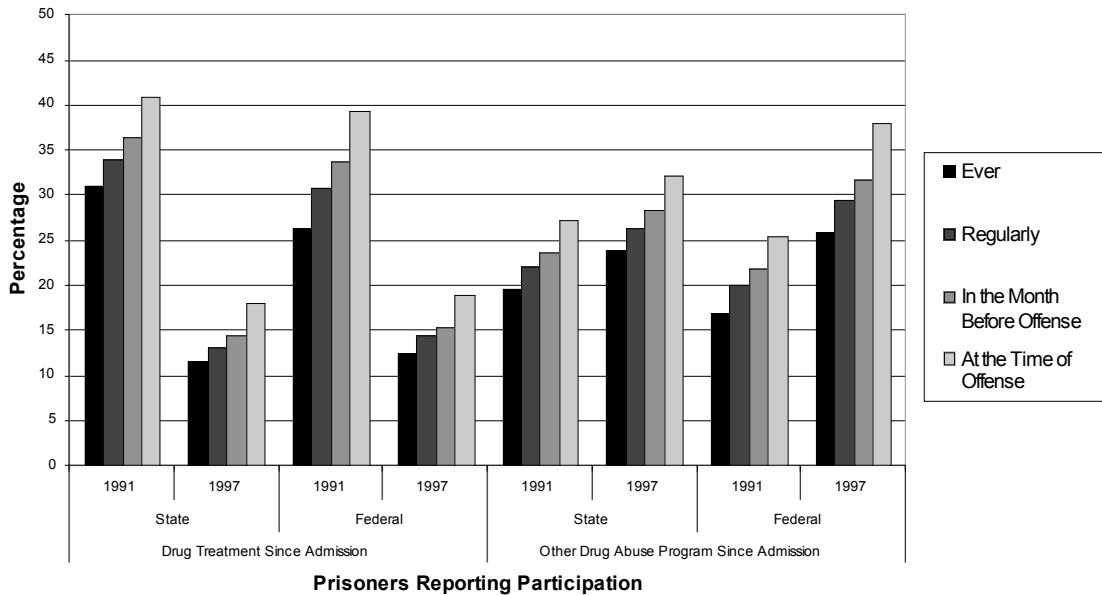
The vast majority (73 percent) of local jails surveyed by the BJS in 1998 offered some type of substance abuse treatment program, but as with testing policies, smaller jails were less likely (63 percent) to offer substance abuse treatment. And far fewer jails (43 percent) provided substance abuse treatment services such as detoxification, a residential treatment facility, or professional counseling. A larger share of jails (68 percent) offered

other programs such as self-help groups or education and awareness programs. Three in ten jails offered only this latter category of programs.<sup>22</sup>

Despite the reported prevalence of substance abuse programs, these programs often fail to reach inmates who need them most. The BJS's 1997 survey revealed that only about one-third of state prisoners and about one-quarter of federal prisoners had participated in drug or alcohol treatment since admission.<sup>23</sup> Moreover, the availability of substance abuse treatment for the incarcerated--detoxification, professional counseling, or residential treatment--is declining. The percentage of inmates in state and federal prisons who received treatment for a substance abuse problem declined between 1991 and 1997, from 25 percent of state and 16 percent of federal prisoners to less than 10 percent of both state and federal prisoners. In contrast, a larger share of prisoners (20 percent of both state and federal inmates) with substance abuse problems received other kinds of drug abuse programs such as self-help groups, peer counseling, and education awareness. This percentage increased by 5 percent since 1991. Prisoners who abuse substances at the time of their offense were generally more likely to receive services than inmates with lower levels of substance abuse involvement (see Figure 5-6).<sup>24</sup>

**Figure 5-6. Prisoners with History of Drug Use Who Reported Participating in Drug Treatment, by Levels of Prior Use, 1991 and 1997**

Source: Mumola, 1999



### Women

Women involved in the criminal justice system often face different circumstances and have different needs than those of male offenders. Forty-four percent of women under correctional authority report that they have been physically or sexually assaulted at some time in their lives.<sup>25</sup> Nearly seven in ten (69 percent) of those reporting assaults say it

occurred before age 18. About half of women in state prisons had been using drugs or alcohol at the time they committed the offense for which they were incarcerated. About seven in ten women involved in the criminal justice system have minor children. And in 1997 an estimated 2,200 women in state prisons, about 3.5 percent of the female inmate population, were HIV-positive.

As with men, the criminal justice system responds to women offenders more harshly than it did three decades ago. For example, despite the fact that the rates of women convicted of homicide are at their lowest levels since 1976, the number of women sentenced to death has increased more than fourfold since 1980.<sup>26</sup>

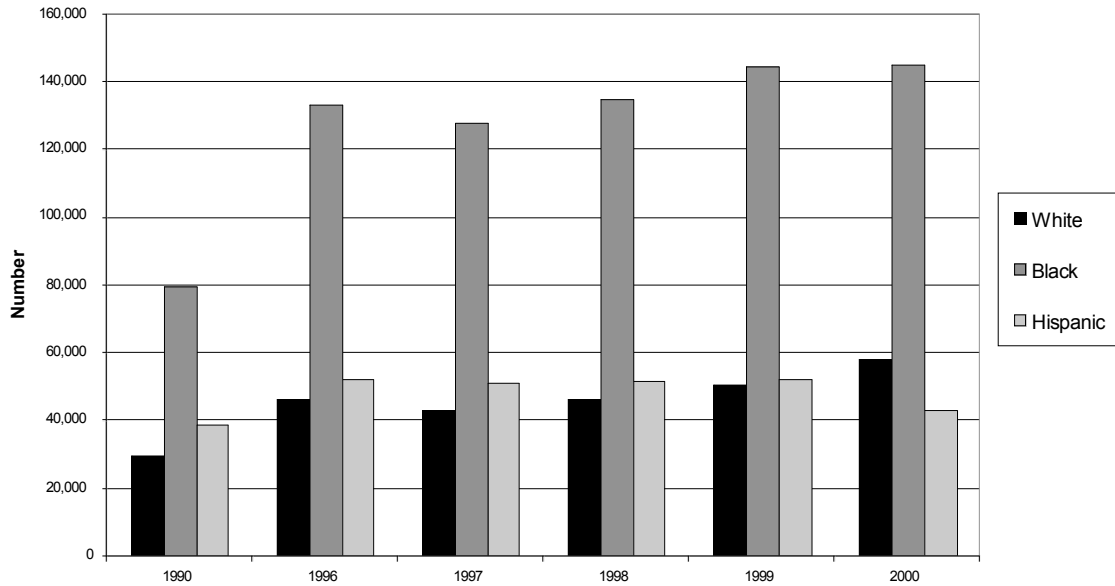
### **Drug Offenses**

State and federal laws enacted from the 1970s to the 1990s in response to drug trafficking stiffened sentences and increased prosecution for drug offenses. But critics have charged that these laws have merely increased the rate of incarceration of low-level drug dealers and nonviolent drug offenders. Moreover, these laws (and their enforcement) have had a disproportionate racial impact.

This disproportionate impact can be seen in the numbers of individuals incarcerated for drug crimes. Although African Americans and whites use illegal substances at about the same rates, African Americans are more likely to be incarcerated for drug offenses. Between 1990 and 2000 the number of African Americans incarcerated in state prisons for drug offenses increased by over 80 percent to 145,000, a number that is 2.5 times higher than that for whites and 3.4 times higher than that for Hispanics (see Figure 5-7).<sup>27</sup>

**Figure 5-7. Drug Offenders in State Prisons by Race and Ethnicity, Selected Years 1990 - 2000**

Source: Bureau of Justice Statistics, 2004.



### Juveniles

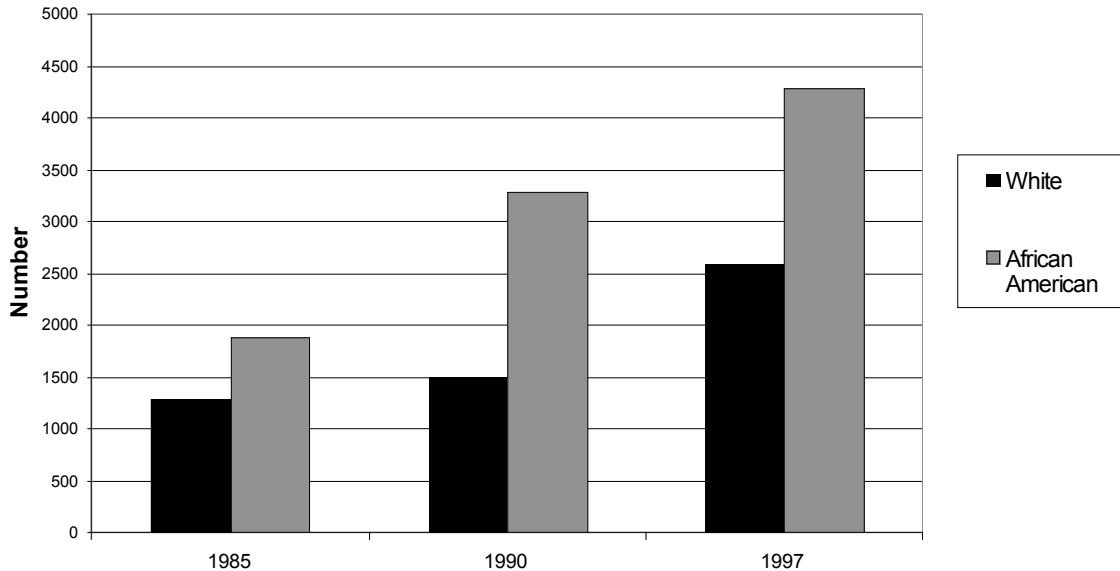
Involvement with the juvenile justice system can be a pivotal point in the life trajectory for many youth. For some, it represents an opportunity to correct course, to take advantage of services that help restore them to productive society. For others, however, brushes with the juvenile justice system can be an opportunity-ending event.

Since the 1980s juvenile justice policies nationwide have increasingly emphasized punitive measures at the expense of rehabilitative efforts. All states currently have provisions allowing waiver of juvenile offenders to adult courts, depending on the seriousness and circumstances of the offense. In three states, juvenile offenders over age 16 are processed in adult courts, and in ten states juveniles over age 17 are handled in adult courts. The number of juvenile offenders in state prisons more than doubled between 1985 and 1997, from 3,400 to 7,400.<sup>28</sup> This dramatic increase occurred despite the fact that the juvenile arrest rate for violent offenses declined by 23 percent from 1994 to 1997.<sup>29</sup> And relative to the number of juvenile arrests, the likelihood that offenders under age 18 would be incarcerated in state prisons increased between 1986 and 1997.<sup>30</sup>

The increase in the number of African-American youths in state prisons has been more dramatic than it has been for white youths. Between 1985 and 1997, for example, the number of African-American juveniles incarcerated in state prisons increased by 226 percent, while the number of white juveniles in state prisons doubled. And in 1985 only 20 white male juveniles and 30 African-American male juveniles were incarcerated in state prisons for drug offenses. By 1997 the number of African-American juveniles

admitted to state prisons for the same offenses increased twentyfold to 640, outnumbering white male juveniles by more than 5 to 1 (see Figure 5-8).<sup>31</sup>

**Figure 5-8. Number of Males Under 18 Admitted to State Prison by Race, 1985-1997**  
Source: Strom, 2000



### Disenfranchisement and Denial of Public Benefits

Another outgrowth of the “war on drugs” and other public policies that purport to “get tough” on offenders has been the trend toward denial of public benefits and voting rights for some types of offenses. Despite high levels of need for social services that help ex-drug offenders to reintegrate into their communities, several state and federal policies enacted in recent years deny a range of public services that reduce recidivism. As Gwen Rubinstein and Debbie Mukamal note:

Low-income individuals affected by addiction and criminal records . . . need access to public benefits—including welfare, food stamps, Medicaid, and public housing—as they learn to live drug-free in the community. Without these temporary supports, it is unrealistic to expect full recovery without relapse and recidivism. Yet, laws enacted in recent years counterproductively act as barriers to these benefits, virtually (and sadly) ensuring failure for thousands of Americans affected by addiction.<sup>32</sup>

In 1996 Congress passed (and President Clinton signed into law) the Personal Responsibility and Work Opportunity Reconciliation Act, which, among other provisions, imposed a lifetime ban on eligibility for Temporary Assistance to Needy Families and Food Stamps for those convicted of drug use, possession, and distribution. States may opt out of the provision or modify it, but the ban is otherwise permanent and

applies regardless of an ex-offender's status, such as pregnancy or participation in drug treatment. As of 2001, 22 states have retained the ban, and another 20 enforce the ban but have narrowed its scope. While the exact number of ex-offenders affected by this ban is unclear, as many as 15 percent of women in drug treatment programs in a recent survey were found to have a drug felony conviction that may result in the denial of benefits needed to complete treatment. And many treatment programs that relied on funding from the federal benefits of their clients have reported drops in revenue as a result of losses of eligibility.<sup>33</sup>

Similarly, many states have limited or severely curtailed voting privileges among currently and/or formerly incarcerated populations. Forty-eight states and the District of Columbia do not allow inmates to vote, 32 states deny the vote to felons while on parole, and 28 states block voting among offenders on probation. But 13 states disenfranchise felons for life, even after the ex-offenders have completed their sentence. Nearly 4 million currently or formerly incarcerated Americans were denied the vote in 2000, about 2 percent of the adult population. An estimated 1 in 7 African-American males is currently disenfranchised.<sup>34</sup>

### **How Can the Nation Restore Redemptive Values in Criminal Justice?**

The nation's criminal justice policies should punish offenders, provide restitution to victims, and protect the public. But they should also restore and redeem individuals and communities whose lives are affected both directly and indirectly by criminal justice policies. Several strategies accomplish these goals.

#### **Drug Courts**

Drug courts are specialized judicial processes that provide substance abuse treatment, testing, probation supervision, case management, and a range of other coordinated services for drug offenders who might otherwise face costly, often less effective incarceration. This combination of intensive services and legal requirements to complete treatment increases the likelihood that offenders' underlying substance abuse can be addressed, while ensuring accountability to communities harmed by high rates of drug offenses. More than a thousand drug courts are currently in operation; the Department of Justice provides formal court planning and training for these courts.

Noting the difficulties faced by rural communities hit hard by trafficking of methamphetamine, a Bureau of Justice Statistics report finds that the drug court model "is unprecedented in its ability to effectively intervene with the methamphetamine-abusing population and unequalled by any other criminal justice response."<sup>35</sup> A 2001 review of published studies of drug court effectiveness found that drug courts increase the likelihood that offenders will complete treatment, reduce drug use and criminal activity of offenders while in treatment, decrease the likelihood of recidivism after treatment (although few longitudinal studies follow ex-offenders over long periods of time to assess effectiveness), and provide cost savings compared to traditional adjudication.<sup>36</sup>

## **Community Policing**

The 1994 Violent Crime Control and Law Enforcement Act encouraged the adoption of community policing, a strategy characterized by high levels of community input and collaboration and tailored responses to crime and disorder.<sup>37</sup> In response to the unique needs of different communities, community policing strategies vary considerably across jurisdictions. Because of this variability there is “little systematic evidence on what industry structure best promotes effectiveness, innovations, and experimentation.”<sup>38</sup> A nationwide study of community policing found that these policies had little effect on crime control or the decline in violent crime seen in many U.S. cities in the 1990s. But this study did find, as did dozens of other studies, that structural indicators of disadvantage such as family and community instability and poverty are the most powerful predictors of urban crime and violence.<sup>39</sup>

Given that policing policies in and of themselves cannot undo the impact of social inequality and disadvantage on crime, they should instead be judged by the extent to which they address community needs and preserve opportunity and human rights. Many community policing models emphasize a problem-solving framework that shifts the emphasis from intervention, arrest, and punishment to addressing community needs. Other models encourage prevention strategies that engage and provide support to youth and families. This policing framework therefore draws heavily on the goals and law enforcement needs of the community, which suffers most when crime is poorly addressed and redemption is denied.

## **Restorative Justice**

Restorative justice programs have gained attention in recent years, as some communities have begun raising different questions about the costs and impact of crime--and how to correct its damage. Restorative justice programs seek to repair the harm caused to victims and communities, while holding perpetrators responsible for restitution. These programs include practices such as family group conferences, victim-offender mediation, community decision making, victim impact statements, and mechanisms for offender restitution. Restorative justice seeks to identify what harm has been caused, how it can be repaired, and who is to be held accountable, while finding a balance among the needs of the victim, the offender, and the community.<sup>40</sup>

Studies of the effectiveness of restorative justice programs have generally examined three types of outcomes: victim, offender, family, and relevant community members' level of satisfaction with the program; compliance with reparation agreements; and rates of offender recidivism. Several Canadian studies have found mild to moderate positive effects of restorative justice on recidivism, generally high levels of satisfaction with the programs among all participants, and high rates of restitution compliance.<sup>41</sup> These studies have also found that adult rates of recidivism are reduced more than youth rates are. But other studies find restorative justice programs to be promising even among youth. Young juvenile offenders are more likely to reoffend than those who commit crimes at later ages. The risk of reoffending among child delinquents (ages 7 to 12) is

two to three times higher than that among adolescent offenders. The Office of Juvenile Justice and Delinquency Prevention supported a “family conference” restorative justice program among early offenders in an urban setting that generated high satisfaction among victims, offenders, and their family members. Over 80 percent of offending youth who participated in the family conferences completed their restitution agreement.<sup>42</sup>

### **Reentry Programming**

Three forces--the rising number of prisoners released each year, the growing caseloads of parole officers, and the decline in educational and drug treatment services available to the incarcerated--have contributed to the growing level of concern over how to facilitate the successful transition of ex-inmates.<sup>43</sup> These factors, combined with the recognition that unless prisoners die in prison or are executed, all of them must eventually be returned to society, have led to interest among policymakers in developing and supporting prisoner reentry programs. Planning for reentry must therefore begin at the point of incarceration, or even at sentencing.<sup>44</sup>

A large-scale analysis of Canadian studies that embrace comprehensive reentry strategies (including intensive programs in behavioral techniques to help model social and job skills, and programs that emphasize family and community involvement) found that reentry programs significantly reduce recidivism.<sup>45</sup> However, few studies have assessed the effectiveness of reentry programs in facilitating community reintegration, broadly defined. Future studies should examine a broader range of outcomes other than remaining arrest-free for a defined period of time. These outcomes should include employment, connection to the community, sobriety, and support of family.<sup>46</sup>

Promising reentry practices include Project Greenlight, a partnership of the Vera Institute and the New York State Department of Correctional Services. Project Greenlight offers family-focused services such as family counseling, workshops on practical skills and job readiness, community counseling, and housing assistance.<sup>47</sup> Other successful reentry programs have received support from the Department of Justice’s Serious and Violent Offender Reentry Initiative. The Justice Department’s evaluation of that program found that the most effective reentry outcomes result from collaboration among public and private partners, particularly key criminal justice actors (police, corrections, and community service providers) to coordinate services and policies.<sup>48</sup>

### **Justice Reinvestment**

At a broader level, communities and governments must weigh the costs and benefits of criminal justice philosophies that emphasize arrest and incarceration against those that prioritize investment in communities as a means of social control. The stark contrast between these options becomes apparent in newspaper articles reporting that a handful of urban neighborhoods costs taxpayers millions of dollars in criminal justice enforcement that could have been averted by a small investment in social and educational programs proved to reduce crime.<sup>49</sup> The Open Society Institute’s Justice Reinvestment project seeks to identify and promote such practices. Noting that the national strategy of

increasing incarceration actually sacrifices public safety, the Open Society Institute has funded initiatives that seek to reallocate funding throughout the U.S. criminal justice system toward education, housing, health care, and jobs--all priority areas that can directly influence crime rates.<sup>50</sup>

One of the largest examples of a justice reinvestment program is being implemented in Maryland, where the state has entered into an agreement with private partners to establish the Maryland Opportunity Compact. The compact is designed to spur public and private investment in strategies such as drug treatment, after-school programs, and job training, and to reduce the state's funding in costly remedial and corrective services such as prisons and foster care. Under this agreement, private and philanthropic partners agree to commit seed money to second-chance interventions such as substance abuse treatment, prisoner reentry programs, and family reunification for children in foster care. The state, in turn, commits to reinvesting 60 percent of the expected savings from reduced criminal justice and foster care costs to expand the availability of second-chance programs such as educational and wraparound services for nonviolent youth offenders. Such strategies have drawn bipartisan support in Maryland, as they are expected to provide greater public accountability and a more responsible investment of public resources.<sup>51</sup>

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<sup>1</sup> Office of the High Commissioner for Human Rights, *International Covenant on Civil and Political Rights*, March 1976, [http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm) (2 November 2005).

<sup>2</sup> *Constitution of the State of Illinois*, December 1970, <http://www.ilga.gov/commission/lrb/conmain.htm> (2 November 2005).

<sup>3</sup> Office of the High Commissioner for Human Rights, *Convention on the Rights of the Child*, September 1990, <http://www.unhchr.ch/html/menu3/b/k2crc.htm> (1 November 2005).

<sup>4</sup> M. Mauer and M. Chesney-Lind, *Invisible Punishment: The Collateral Consequences of Mass Imprisonment* (New York: The New Press, 2002).

<sup>5</sup> P.M. Harrison and A.J. Beck, "Prison and Jail Inmates at Midyear 2004," *Bureau of Justice Statistics Bulletin* (Washington, D.C.: U.S. Department of Justice, April 2005).

<sup>6</sup> Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics 2003, 31<sup>st</sup> Edition*, 2004, [www.albany.edu/sourcebook](http://www.albany.edu/sourcebook) (21 September 2005).

<sup>7</sup> L.A. Greenfeld and T.L. Snell, "Women Offenders," Bureau of Justice Statistics (Washington, D.C.: U.S. Department of Justice, December 1999 [revised October 2000]).

<sup>8</sup> Bureau of Justice Statistics, 2004.

<sup>9</sup> Harrison and Beck, 2005.

<sup>10</sup> T.P. Bonczar, "Prevalence of Imprisonment in the U.S. Population, 1974-2001," Bureau of Justice Statistics (Washington, D.C.: U.S. Department of Justice, August 2003).

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> M.R. Durose and C.J. Mumola, "Profile of Nonviolent Offender Exiting State Prisons," Bureau of Justice Statistics Fact Sheet (Washington, D.C.: U.S. Department of Justice, October 2004).

<sup>14</sup> C.J. Mumola, "Incarcerated Parents and Their Children," Bureau of Justice Statistics (Washington, D.C.: U.S. Department of Justice, August 2000).

<sup>15</sup> *Ibid.*

<sup>16</sup> J. Scalia and M.F.X. Lintras, "Immigration Offenders in the Federal Criminal Justice System, 2000," Bureau of Justice Statistics (Washington, D.C.: U.S. Department of Justice, August 2002).

<sup>17</sup> *Ibid.*

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- <sup>18</sup> C.J. Mumola, "Substance Abuse and Treatment, State and Federal Prisoners, 1997," Bureau of Justice Statistics (Washington, D.C.: U.S. Department of Justice, January, 1999).
- <sup>19</sup> Durose and Mumola 2004
- <sup>20</sup> D.J. Wilson, "Drug Use, Testing, and Treatment in Jails," Bureau of Justice Statistics (Washington, D.C.: U.S. Department of Justice, May 2000).
- <sup>21</sup> Ibid.
- <sup>22</sup> Ibid.
- <sup>23</sup> Ibid.
- <sup>24</sup> Mumola 1999.
- <sup>25</sup> Greenfeld and Snell 2000.
- <sup>26</sup> Ibid.
- <sup>27</sup> Bureau of Justice Statistics 2004.
- <sup>28</sup> K.J. Strom, "Profile of State Prisoners Under Age 18, 1985-1997" Bureau of Justice Statistics Special Report (Washington, D.C.: U.S. Department of Justice, December, 2000).
- <sup>29</sup> Strom 2000.
- <sup>30</sup> Ibid.
- <sup>31</sup> Ibid.
- <sup>32</sup> G. Rubinstein and D. Mukamal, "Welfare and Housing—Denial of Benefits to Drug Offenders," in eds. M. Mauer and M. Cheney-Lind, *Invisible Punishment: The Collateral Consequences of Mass Imprisonment* (New York: The New Press, 2003).
- <sup>33</sup> Ibid.
- <sup>34</sup> M. Mauer, "Mass Imprisonment and the Disappearing Voters," in eds. M. Mauer and M. Cheney-Lind, 2003.
- <sup>35</sup> C.W. Huddleston, "Drug Courts: An Effective Strategy for Communities Facing Methamphetamine," *Bureau of Justice Assistance Bulletin*, (Washington, D.C.: U.S. Department of Justice, May 2005).
- <sup>36</sup> S. Belenko, *Research on Drug Courts: A Critical Review, 2001 Update*, June 2001, <http://www.drugpolicy.org/docUploads/2001drugcourts.pdf> (1 September 2005).
- <sup>37</sup> National Research Council, *Fairness and Effectiveness in Policing: The Evidence* (Washington, D.C.: National Academies Press, 2004).
- <sup>38</sup> Ibid.
- <sup>39</sup> J.M. MacDonald, "The Effectiveness of Community Policing in Reducing Urban Violence," *Crime & Delinquency*, 48, no. 4 (2002): 592-618.
- <sup>40</sup> R.A. Strickland, *Restorative Justice*, New York: Peter Lang, 2004,
- <sup>41</sup> L. Bonta, S. Wallace-Capretta, and K. McAnoy, "An Outcome Evaluation of a Restorative Justice Alternative to Incarceration," *Contemporary Justice Review*, 5, no. 4 (2002): 319-338.
- <sup>42</sup> J. McGarrell, "Restorative Justice Conferences as an Early Response to Young Offenders" (Washington, D.C.: U.S. Department of Justice, August 2001).
- <sup>43</sup> J. Petersilia, "What Works in Prisoner Reentry? Reviewing and Questioning the Evidence," *Federal Probation*, 68, no. 2 (2004), [www.uscourts.gov/fedprob/September\\_2004/whatworks.html](http://www.uscourts.gov/fedprob/September_2004/whatworks.html) (12 September 2005).
- <sup>44</sup> Ibid.
- <sup>45</sup> Ibid.
- <sup>46</sup> Ibid.
- <sup>47</sup> M. Bobbitt and M. Nelson, "The Front Line: Building Programs that Recognize Families' Role in Reentry Programs," September 2004, [http://www.vera.org/publication\\_pdf/249\\_476.pdf](http://www.vera.org/publication_pdf/249_476.pdf) (11 August 2005).
- <sup>48</sup> Petersilia, 2004.
- <sup>49</sup> J. Gonneman, "Million-Dollar Blocks: The Neighborhood Costs of America's Prison Boom," *Village Voice*, 16 November 2004, [www.villagevoice.com/news/0446\\_gonnerman,58490,1.html](http://www.villagevoice.com/news/0446_gonnerman,58490,1.html) (3 October 2005).
- <sup>50</sup> Open Society Institute, "Ideas for an Open Society: Justice Reinvestment," November 2003.
- <sup>51</sup> Office of Maryland Governor Robert Ehrlich, "Governor Ehrlich Unveils Children's Initiative," press release, 24 January 2005, [www.governor.maryland.gov/pressreleases/2005](http://www.governor.maryland.gov/pressreleases/2005) (2 September 2005).
- <sup>52</sup>