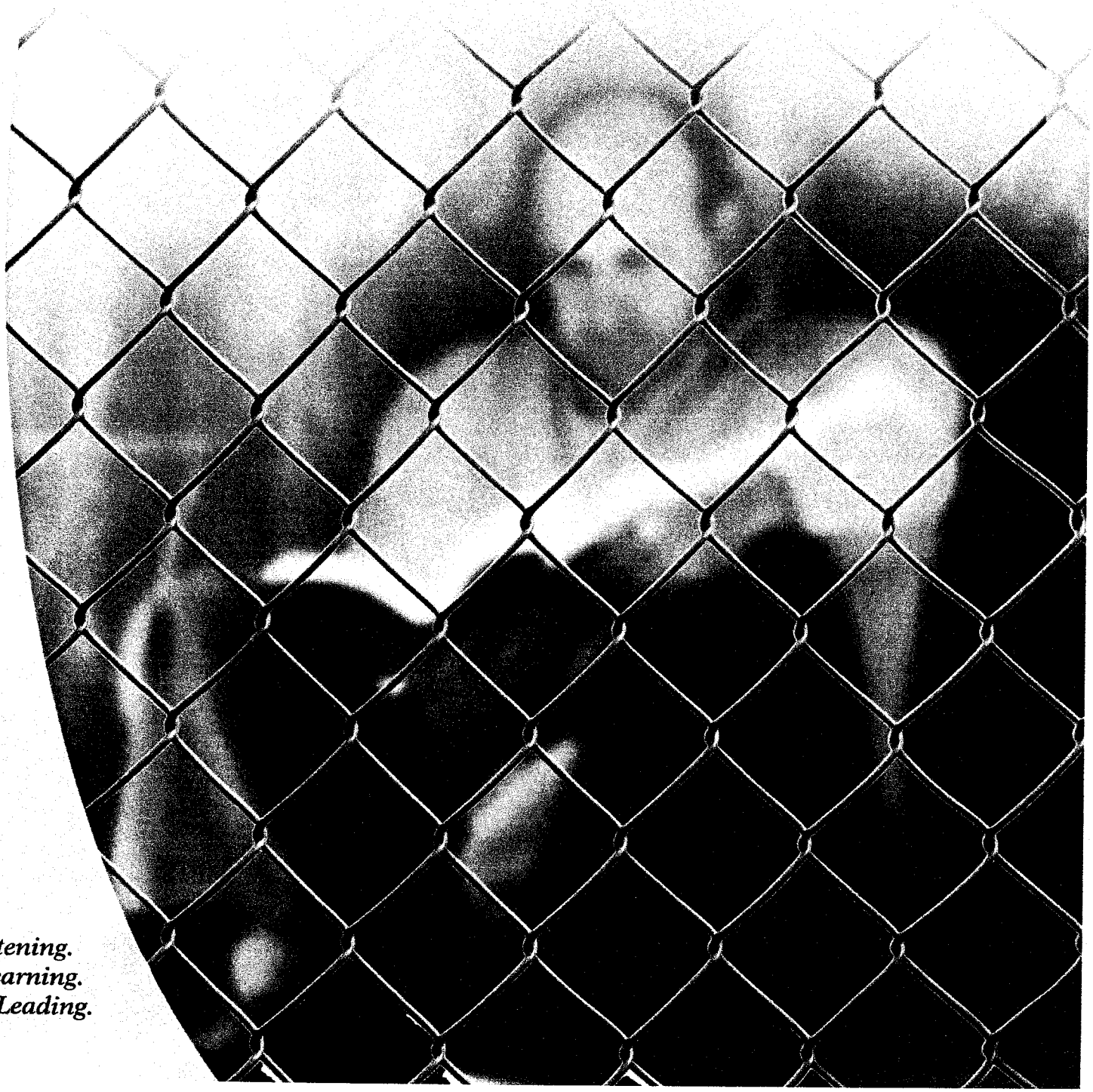
ETS

Policy Information Report

Locked Up and Locked Out:

An Educational Perspective on the U.S. Prison Population

EXHIBIT 6
2/5/07
452



Listening.
Learning.
Leading.

This report was written by:

Richard J. Coley
Paul E. Barton
Educational Testing Service

The views expressed in this report are those of the authors and do not necessarily reflect the views of the officers and trustees of Educational Testing Service.

Additional copies of this report can be ordered for $15 (prepaid) from:

Policy Information Center
Mail Stop 19-R
Educational Testing Service
Rosedale Road
Princeton, NJ 08541-0001
(609) 734-5949
pic@ets.org

Copies can be downloaded from:
www.ets.org/research/pic

Copyright © 2006 by
Educational Testing Service.
All rights reserved. Educational Testing Service is an Affirmative Action/Equal Opportunity Employer. Educational Testing Service, ETS, and the ETS logo are registered trademarks of Educational Testing Service.

February 2006
Policy Evaluation and
Research Center
Policy Information Center
Educational Testing Service

Table of Contents

Preface 2
Acknowledgments 2
Highlights 3
Introduction 5
The Exploding Prison Population 7
The Juvenile Detention System 11
The Prison Education Enterprise 13
What Prison Education and Training Programs Accomplish 19
Prisoner Re-Entry Programs: A Recent Response 22
The Children of Prisoners 24
The Special Case of the Black Male 27
Conclusion 30

Preface

In this important and sobering report, Richard J. Coley and Paul E. Barton provide a broad perspective on the U.S. prison population and offer judgments about the status of prison education programs.

The prison education enterprise is perhaps more important now than ever, as the prison population surges and evidence accumulates about the effectiveness of prison education programs on recidivism. Yet this population continues to be under-educated, with most prisoners having less than a high school education. Ever-larger numbers of ex-prisoners are returning to their communities poorly prepared to re-enter the workforce and, as a result, to support themselves and their families, or to form families and rear children. It is a formula for disaster — for more crime, more recidivism, and greater cost to society.

In the face of this demonstrated need, we should be alarmed that we are losing ground in the prison education enterprise; investment in correctional education programs is not keeping pace with the exploding population of prisoners. Coley and Barton issue a challenge for society to support this important investment and to acknowledge the plight of prisoners' children — children whose chances of following in their parents' footsteps are high, unless we have the will to break the cycle.

Michael T. Nettles
Vice President
Policy Evaluation and
Research Center

Acknowledgments

The authors wish to thank the following individuals for their help with this report. The report was reviewed by John Linton, Office of Safe and Drug-Free Schools, U.S. Department of Education; Caroline Wolf Harlow, Bureau of Justice Statistics, U.S. Department of Justice; and Stephen J. Steurer, Executive Director, Correctional Education Association. In addition to providing feedback on the report, the reviewers provided valuable guidance on the data that are available to address this topic. The report was edited by Janet Levy and proofread by Alex Dering. Marita Gray was the photographer and designer for the cover. Christina Guzikowski provided layout. Errors of fact or interpretation are those of the authors.

This report brings together data and information from a variety of sources to provide an educational perspective on the nation's prison population. It examines the size and nature of that population and provides information on trends when possible. The report also describes the limited information that is available on the prison education enterprise and summarizes what is known about the effects of education and training on recidivism. Finally, it provides a perspective on the children whose development and lives are negatively affected by incarceration and on the plight of young Black males, who are increasingly coming into contact with the correctional system.

Some highlights of the report are provided below:

The size of the prison population continues to explode, even as the crime rate shrinks.

The rate of incarceration has surged, more than doubling from 313 per 100,000 people in 1985 to 726 in 2004. Over the same period, victimizations data show a fairly dramatic and steady decrease in crime. A variety of explanations are given for this seeming paradox.

Prisons bulge with poorly educated inmates, and as this population grows, the related investment in education and training is not keeping pace.

This low and declining investment contrasts with an increasing body of research showing that education and training programs can raise employment prospects and cut recidivism.

The public is realizing that bulging prisons also mean that large numbers of ex-prisoners will return to their communities with three strikes against them for getting a job — an essential step to going straight.

Longer sentences or not, most prisoners come back to the community. Hindered by the following barriers, ex-prisoners are less likely to become self-supporting — and therefore, less likely to succeed in society:

- **Strike One** — Ex-inmates with little education and low literacy levels are not desired by employers.
- **Strike Two** — Employers are looking for employees who have had steady and successful work experiences, even for low-skilled jobs. Ex-prisoners disproportionately don't have them.
- **Strike Three** — Many jobs are "off limits" to ex-prisoners.

Some prisons place soon-to-be-released prisoners in short-term "prisoner re-entry" programs. While such programs are welcome and may be effective, there is a need to buttress them with solid, longer-term programs.

There is minimal state data on prisoner education regarding enrollments, completions, degrees received, test scores, etc.

Data available for 1993-94 show huge disparities among the states in many dimensions of the correctional education enterprise. Federal and state justice, corrections, and education departments must collaborate to get the data needed to judge the reach and effectiveness of prison education and training programs.

While punishment is wholly appropriate for criminals, it is not appropriate for the more than 1.5 million children of prisoners, who are most disserved by the corrections system.

Neglecting these unintended victims will likely lead to these children replacing their parents in the prisons of the future.

The incarceration of young Black males — particularly high school dropouts — has reached levels that jeopardize the achievement of broader social-justice goals.

The incarceration rate for Black 25- to 29-year-old males, for example, is 13 percent, compared with 2 percent of the White and 4 percent of the Hispanic populations in that age group. For young Black males without a high school diploma, about as many are in prison as are employed.

It is estimated that more than half of all Black males who do not have a high school diploma have a prison record, compared to one in 10

White males. The dire employment prospects of Black male dropouts affect the likelihood for success in marriage, child rearing, and ensuring that the next generation helps to close the achievement gap.

While in prison, inmates have time to obtain their high school diplomas, train for a job, and prepare to earn a living when they return to their communities. Prisons should provide such opportunities and push for prisoners to take advantage of them.

While this country has not ratcheted up its investments in correctional education while adopting a "get tough on crime" approach, it must recognize that providing prisoners with the education and job skills they need to stay out of prison can save scarce resources in the long run.

The "chain gang" was tough physically; the "learning gang" requires hard mental effort and discipline. The public suffered when the prisoner's original crime was committed; the potential for damage increases when the prisoner returns to society without a means of making it in the employment world.

The first true American prison was the Walnut Street Jail in Philadelphia, created by the Quakers in 1791. The prison had three objectives: to ensure public security, reformation of prisoners, and "humanity toward those unhappy members of society." Elaborating on the last two objectives, the jail's inspectors reported that "edifying persons have at all times access to the prisoners." Furthermore, the architects added a school to the prison in 1798 as "the most beneficial...for learning for some and improving for others in the first principles of reading, writing, and arithmetic."[1]

Since then, education has grown throughout our prison system — as has the controversy over rehabilitation versus punishment. As early as the 1820s, Samuel Hopkins of the New York Legislature was arguing that "inmate life had not been sufficiently severe and should produce more terror and suffering." Such views gave rise to the Auburn, N.Y., system, which subscribed to the belief that "too much faith had been placed in [the convict's] reformability." Thus, education got little attention in the Auburn system.[2]

During the late nineteenth century, Superintendent of the New York State Reformatory at Elmira, Zebulon Brockway, became known across the nation for his use of education and training in prison. A report by Steven Schlossman and Joseph Spillane states that Brock way "placed the academic programs (and later the vocational programs) into the hands of professional, full-time teachers who were drawn from the commu nity." Sentences were indeterminate, and time served became heavily dependent on participation and performance in the education and training system.[3]

Especially noteworthy for the purpose of this report is that, when the rehabilitation approach to corrections has been in favor, prison education has prospered. When rehabilitation has been out of favor, prison education has languished. The use of education and training in prisons spread in the 1930s, receded, and then came back into favor in the 1960s. Since the 1980s, "tough treatment" has been the trend. According to Schlossman and Spillane, "Correctional education was largely excluded from the main currents of prison reform during the 1980s," when opinion polls showed that Americans became "increasingly hostile and suspect of all rehabilitative programs aimed at reintegrating prisoners into the mainstream."[4]

During the 1980s and 1990s, state and federal spending for correctional education programs decreased significantly. Today, because of state budget problems, states such as California, Florida, and Illinois are cutting correctional education budgets even further.[5] At the federal level, Congress passed a law in 1994 that prohibited inmates from receiving Pell Grants, effectively defunding postsecondary education in prisons.

These lean times for prison education programs coincide with an explosive surge in the size of the nation's prison population, creating somewhat of a "perfect storm." While the danger is clear, many obstacles — both financial and attitudinal — block the path to a safer harbor.

Commenting on basic economics about crime and education, Stephen Steurer, executive director of the Correctional Education Association, notes: "Crime is not partisan. Felons are opportunistic. They attack Republicans and Democrats indiscriminately. All of us want to be safe and secure. Public policy on crime and punishment should be determined by the most effective crime prevention and reduction technique available through proven research."[6]

---

[1] For this early history, see Negley K. Teeters, *The Cradle of the Penitentiary: The Walnut Street Jail at Philadelphia, 1773-1835*, sponsored by the Pennsylvania Prison Society, 1955.

[2] Walter Silva, "A Brief History of Prison Higher Education in the United States," in M. Williford (ed.), *Higher Education in Prison: A Contradiction in Terms?"* Phoenix, AZ: Oryx Press, 1994.

[3] Steven Schlossman and Joseph Spillane, *Bright Hopes, Dim Realities: Vocational Innovation in American Correctional Education*, National Center for Research in Vocational Education, University of California, Berkeley, March 1992.

[4] Schlossman and Spillane, 1992.

[5] Audrey Bazos and Jessica Hausman, *Correctional Education as a Crime Control Program*, UCLA School of Public Policy and Social Research, Department of Policy Studies, March 2004.

[6] Stephen Steurer, Executive Director, Correctional Education Association, remarks prepared for the *Detroit Free Press*.

The growing prison population is described in the first section of this report and is followed by a description of the juvenile detention system. The third section, on the prison education enterprise, discusses the limited information that is available on the size and characteristics of correctional education programs across the states. The accumulating evidence on the effectiveness of correctional education programs is described next. Re-entry programs, increasing in response to the surging outflow of prisoners to society, are described in the following section. Often neglected in the policy debate, the effects of parental incarceration on children are described next; this section is followed by a discussion on the predominance of Black males in correctional institutions. Some overall conclusions are drawn in the last section.

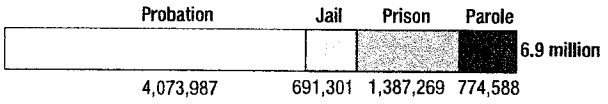
This section provides some overall context for the topics discussed in this report by describing the size of the prison population in the United States and how it has changed over time, both in absolute and in relative terms. The prison population is then profiled in terms of its racial/ethnic composition, its age distribution, its educational attainment, and its literacy level.

The Size of the Population

There are a number of statistics that can be viewed when trying to size up the nation's correctional system. When we total the adults who, in 2003, were on probation, in jail or prison, or on parole, the number approaches 6.9 million. This represents an overall increase of 274 percent since 1980. The breakdown is shown in Figure 1, along with specific percent changes since 1980.

Figure 1

Number of Adults on Probation, in Jail or Prison, and on Parole, 2003



Percentage Change, 1980 to 2003

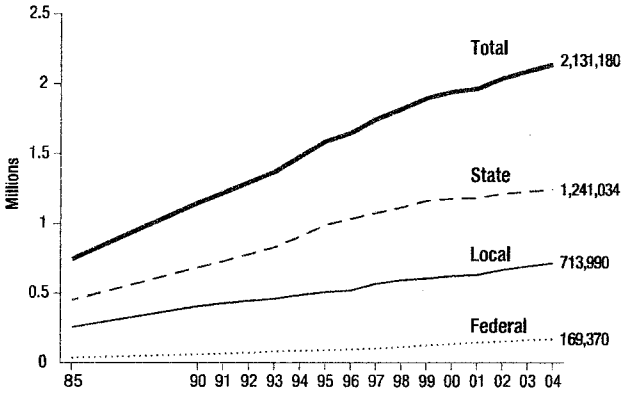
Probation	+264 percent	Prison	+334 percent
Jail	+279 percent	Parole	+251 percent

Source: U.S. Department of Justice, *Sourcebook of Criminal Justice Online* (http://www.albany.edu/sourcebook/pdf/t61.pdf).

Another statistic, and one on which we'll focus in this discussion, is the number of persons who are incarcerated in federal or state prisons or local jails. At midyear 2004, the nation's prisons and jails held 2,131,180 persons. Of those, 7.9 percent were in federal custody; 58.2 percent were in state custody; and 33.5 percent were held in local jails.[7] Figure 2 shows the trends since 1985.

Figure 2

Number of Persons Held in State or Federal Prisons or in Local Jails, 1985 to 2004



Source: U.S. Department of Justice, *Sourcebook of Criminal Justice Online* (http://www.albany.edu/sourcebook/pdf/t612.pdf) and Harrison and Beck, 2005.

Since 1985, the number of people incarcerated has jumped from about 744,000 to almost 1.6 million in 1995, to more than 2.1 million in 2004. That represents an overall increase of 186 percent. While all sectors have grown over that time period, the highest growth was in the federal prison population, which increased by 373 percent. Increases in the other sectors ranged from 175 percent in state prisons to 178 percent in local jails.

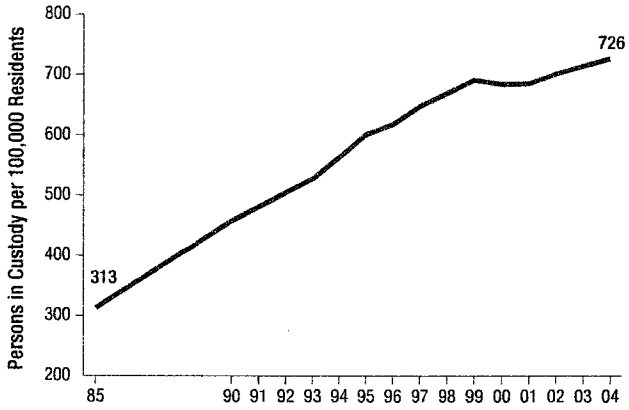
While the tremendous growth in the absolute number of individuals who are incarcerated is itself of concern, we also need to examine the *relative* growth of that population. Figure 3 shows trend data on the rate of persons incarcerated per 100,000 U.S. residents. Between 1985 and 2004, the rate has soared from 313 to 726.

Given those data one might reasonably expect to see an increase in crime over those years, increases that would reflect why more criminals were incarcerated. That is not the case, however.

[7] Paige M. Harrison and Allen J. Beck, *Prison and Jail Inmates at Midyear 2004*, U.S. Department of Justice, Bureau of Justice Statistics Bulletin, April 2005.

Figure 3

Rate (per 100,000 Residents) of Persons Held in State or Federal Prisons or in Local Jails, 1985 to 2004



Sources: U.S. Department of Justice, *Sourcebook of Criminal Justice Statistics Online* (http://www.albany.edu/sourcebook/pdf/t612.pdf) and Harrison and Beck, 2005.

An examination of various crime reports reveals a fairly dramatic and steady *decrease* in crime over the past 30 years. One example is the number of total violent crimes (NCVS) reported by the Bureau of Justice Statistics. According to that measure, there has been a consistent decline from 3.6 million violent crimes in 1973 to 1.8 million in 2003.[8]

Then what are the reasons for rising incarceration rates? The U.S. Department of Education's Office of Safe and Drug-Free Schools offers the following explanation:

> *"The unprecedented growth in prison populations can be traced, in part, to new federal and state sentencing guidelines that have imposed mandatory prison terms and lengthened minimum sentences for repeat offenders. In particular, the introduction of 'Three Strikes' legislation — enacted federally in 1994 and implemented by several states during the decade — has increased the time inmates remain incarcerated. While the specifics vary across states, individuals committing a second or third offense may face double or triple the prison sentence they would otherwise have received.*
>
> *Truth-in-sentencing laws have also prolonged the amount of time inmates remain incarcerated by requiring that prisoners serve a substantial portion of their sentences. These laws — intended to reduce or eliminate early release for good behavior or due to prison overcrowding — have dramatically increased the time inmates must serve. Other factors, including increasing numbers of parolees returned to prison for technical violations and the difficult economic conditions in the early 1990s, may also have contributed to rising incarceration rates."*[9]

Characteristics of the Prison Population

This section examines the overall age, racial/ethnic breakdown, and educational level of the prison population. In order to focus this discussion, data are provided for males, since males make up more than 90 percent of this population.[10]

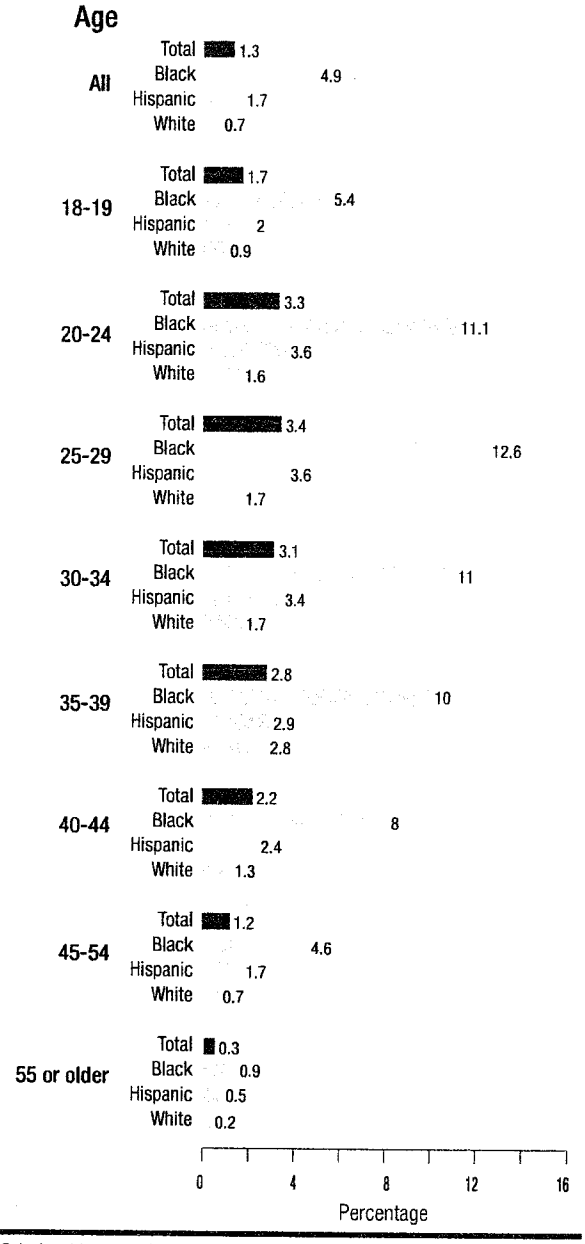
Incarceration rates by age and race/ethnicity are shown in Figure 4. For each age group, the figure shows the percentage of that population in federal or state prisons or local jails in 2004.

Overall, 1.3 percent of males were incarcerated in 2004. The comparative figures for Black, Hispanic, and White males were 4.9, 1.7, and 0.7 percent, respectively. The incarceration rates for Black men are particularly troubling, especially for those in their 20s and 30s. Among males ages 25 to 29, nearly 13 percent of Black males were incarcerated, compared to nearly 4 percent of Hispanic males and nearly 2 percent of White males. Among the more than 2.1 million incarcerated as of June 30, 2004, an estimated 576,600 were Black males between the ages of 20 and 39. And while incarceration rates drop with increasing age, the percentage of Black males from ages 45 to 54 in prison (nearly 5 percent) was more than six times the rate for White males. The data for female prisoners show similar racial/ethnic differences, although rates are much lower than for males.[11]

[8] Bureau of Justice Statistics, http://www.ojp.usdoj.gov/bjs/glance/tables/4meastab.htm.
[9] Steven Klein et al., *Correctional Education: Assessing the Status of Prison Programs and Information Needs*, U.S. Department of Education, Office of Safe and Drug-Free Schools and MPR Associates, 2004.
[10] According to the Bureau of Justice Statistics, 183,400 females were incarcerated in 2004 compared to 1,947,800 males.
[11] Harrison and Beck, 2005.

Figure 4

Percentage of the Male Population in State or Federal Prisons or Local Jails, by Race/Ethnicity and Age, June 30, 2004



Source: Calculated from data in Harrison and Beck, 2005.

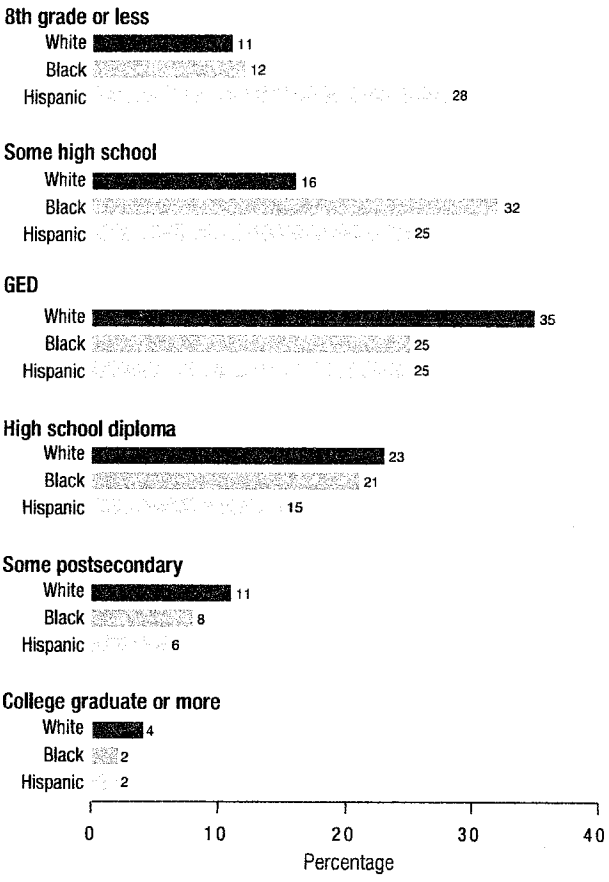
Educational Level of Prisoners

Surveys of the characteristics of prisoners are few and far between. The most recent survey, in 1997, found that about 41 percent of the nation's incarcerated had less than a high school education. Subgroups of state prison inmates who had not completed high school or the GED include:

- 53 percent of Hispanics
- 44 percent of Blacks
- 27 percent of Whites
- 52 percent of inmates age 24 or younger[12]

Figure 5

Educational Attainment of State Prison Inmates, by Racial/Ethnic Group, 1997



Source: Caroline Wolf Harlow, *Education and Correctional Populations*, U.S. Department of Justice, Bureau of Justice Statistics Special Report, January 2003.

[12] Caroline Wolf Harlow, *Education and Correctional Populations*, U.S. Department of Justice, Bureau of Justice Statistics Special Report, January 2003.

Figure 5 shows the educational attainment levels for state prison inmates in 1997, broken out by racial/ethnic group. Overall, Black and Hispanic state prison inmates had much lower levels of educational attainment than White inmates: 53 percent of Hispanic and 44 percent of Black inmates had not graduated from high school or earned a GED, compared to 27 percent of White inmates.

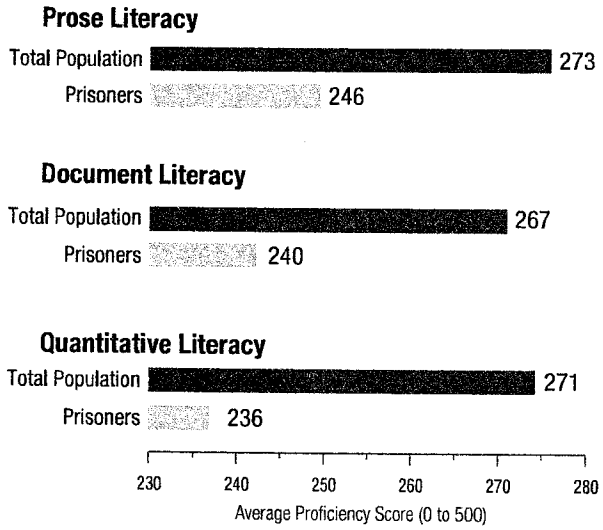
Literacy Levels of Prisoners

Given these educational attainment levels, it is not surprising that the literacy levels of prisoners are low as well. Literacy data collected on the prison population as part of the National Adult Literacy Survey (NALS) provide prose, document, and quantitative literacy profiles for this population. On each scale, the literacy level of prisoners is substantially lower than that of the U.S. population as a whole.

Figure 6 compares the average literacy scores of prisoners with average scores for the total population for each literacy scale. While these data are for 1992, the educational profile of the prison population has changed little, making it unlikely that the literacy levels have improved. New adult literacy data will be available in 2006.

Figure 6

Average Literacy Proficiencies of Adults in the Total and Prison Populations, by Literacy Scale

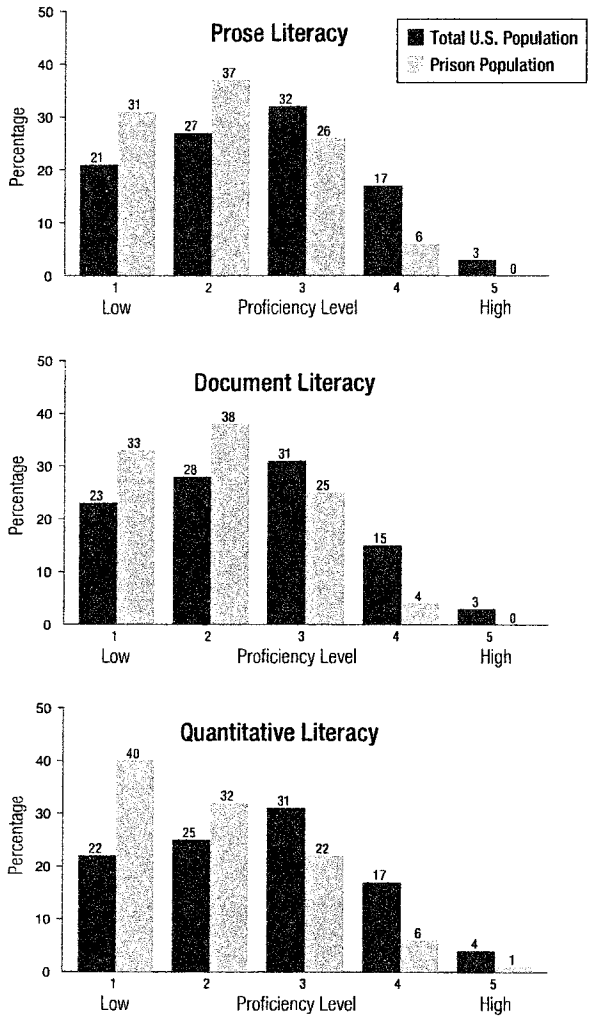


Source: National Adult Literacy Survey, 1992.

Moreover, prisoners were far more likely than the national population to perform in the lowest literacy levels on each of the three scales and far less likely to attain the highest levels. As shown in Figure 7, about one-third of prisoners scored in the lowest levels of prose, document, and quantitative literacy, and another third performed in the second-lowest level.[13]

Figure 7

Percentage of Prisoners and Total U.S. Population Who Performed in Each Proficiency Level, by Literacy Scale



Source: National Adult Literacy Survey, 1992.

[13] For more detail on the literacy of the prison population, see Paul E. Barton and Richard J. Coley, *Captive Students: Education and Training in America's Prisons*, Policy Information Report, Policy Information Center, Educational Testing Service, January 1996; and Karl O. Haigler et al., *Literacy Behind Prison Walls: Profiles of the Prison Population from the National Adult Literacy Survey*, prepared by Educational Testing Service under contract with the National Center for Education Statistics, U.S. Department of Education, October 1994.

Early in U.S. history, children who broke the law were treated the same as adult criminals. But by the turn of the twentieth century, 32 states had established juvenile courts. Rather than merely punishing delinquents for their crimes, juvenile courts sought to turn delinquents into productive citizens through treatment. Through the 1950s, most juvenile courts had exclusive original jurisdiction over all those under age 18 who were charged with a crime; only if that court waived its jurisdiction could a child be transferred to a criminal court.

In 1968, Congress passed the Juvenile Delinquency Prevention and Control Act, which recommended that children charged with non-criminal offenses be handled outside the court system. In 1974, Congress passed the Juvenile Justice and Delinquency Prevention Act. This act required states receiving federal grants to reform their systems, and addressed violent crime by focusing on prevention, intervention, and accountability. Over the past two decades, there has been a shift toward treating more juvenile offenders as criminals. States have been trying to balance system and offender accountability, offender competency development, and community protection.[14]

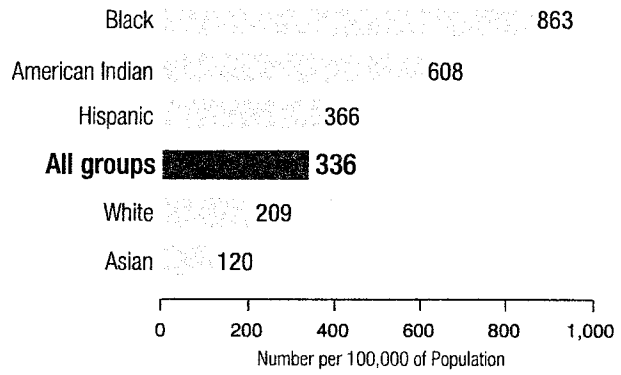
Juvenile crime statistics indicate that much progress has been made. For example, in 1974, arrests of juveniles for violent crimes had increased 216 percent from 1960. The statistics continued to be troubling into the early 1990s, with substantial growth in the number of juveniles arrested peaking in 1994, when there were 2.7 million juvenile arrests. By 2002, the number of arrests had dropped to 2.3 million, and the percentage of all violent crimes committed by juveniles was down considerably from 1974. Finally, between 1994 and 2002, the juvenile arrest rate for violent crimes fell to its lowest level since at least 1980; and between 1993 and 2000, the juvenile arrest rate for murder fell 72 percent.[15]

While this progress is encouraging, many youth remain in custody in their respective states. The United States does not have a juvenile justice system, but 51 separate systems. While describing these state systems is beyond the scope of this report, interested readers can find profiles of state systems via the National Center for Juvenile Justice (http://www.ncjj.org/stateprofiles).

Across all the states in 2001, there was a total of 104,413 juveniles in residential placement. Of these, 85 percent were male and half were between 16 and 17 years old. The resulting detention rate of 336 per 100,000 juveniles represents a decline from 361 in 1999 and 359 in 1997. Figure 8 shows the rate for 2001, broken out by race/ethnicity.

Figure 8

Rate per 100,000 of Juveniles in Residential Custody, by Race/Ethnicity, 2001



Source: Melissa Sickmund, T.J. Sladky, and Wei Kang, *Census of Juveniles in Residential Placement Databook*, 2004. Online. Available: http://www.ojjdp.ncjrs.org/ojstatbb/cjrp/.

Black juveniles were more than four times as likely as White juveniles to be in custody, and more than seven times as likely as Asian juveniles to be in custody. Rates for American Indian and Hispanic juveniles were also higher than the rate for all groups combined.

Figure 9 shows the most serious juvenile offenses for 2001, broken into several categories.[16] Ninety-five percent of juveniles in residential placement were there because of delinquency; the remaining 5 percent

[14] U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, *Juvenile Justice: A Century of Change*, Juvenile Justice Bulletin, December 1999.

[15] Federal Advisory Committee on Juvenile Justice, *Annual Report 2004. Recommendations Report to the President and the Congress of the United States*, January 2005.

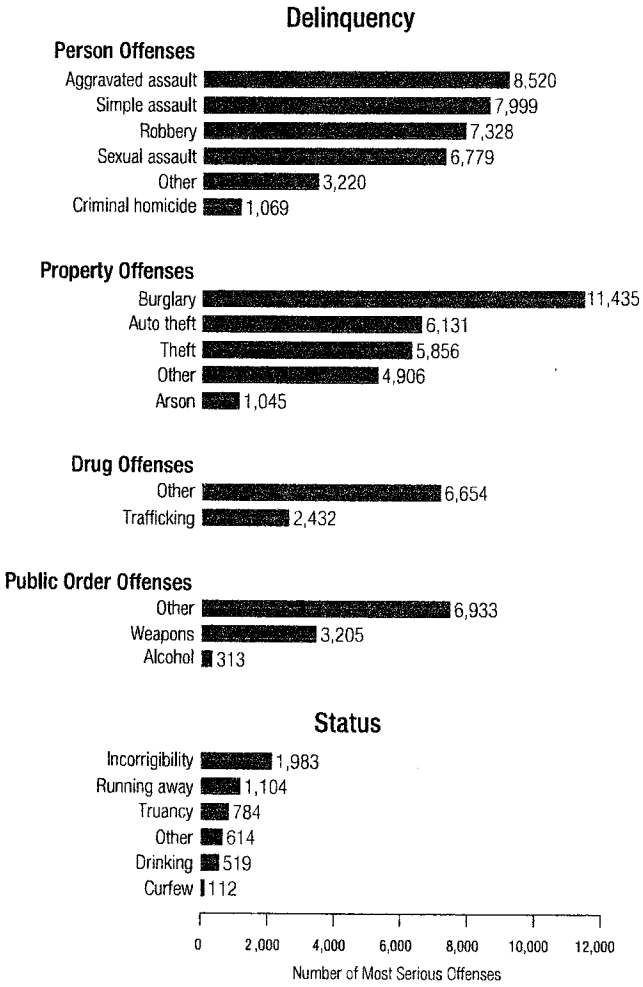
[16] The categories are defined as follows: "Delinquency" is an offense that is also considered illegal for adults. "Status" is a non-delinquent/non-criminal offense; an offense that is illegal for underage persons but not adults. "Person," "property," and "public order" are offenses against persons, property, and public order, respectively.

were there for "status" offenses, such as being truant or running away. Twenty-three percent of juveniles in residential placement had committed violent crimes, and another 23 percent had committed property crimes, such as stealing or vandalizing. Girls were more likely than boys to be in residential placement because of status offenses (14 percent versus 3 percent).[17]

To help put juveniles on a path to a crime-free life, logic dictates that residential facilities should also function as good schools — from both academic and vocational standpoints.

Figure 9

Most Serious Juvenile Offenses, 2001



Source: Melissa Sickmund, T.J. Sladky, and Wei Kang, *Census of Juveniles in Residential Placement Databook*. Online. Available: http://ojjdp.ncjrs.org/ojstatbb/cjrp/.

[17] Melissa Sickmund, T.J. Sladky, and Wei Kang, *Census of Juveniles in Residential Placement Databook*, 2004. Online. Available: http://ojjdp.ncjrs.org/ojstabb/cjrp/. Cited in Child Trends Data Bank, www.childtrendsdatabank.org.

The prison education and training enterprise, though vast in its reach, remains considerably hidden behind prison walls. Its overall dimensions can be seen from several perspectives — at least in terms of national totals and averages. Seldom is there a comprehensive survey that provides data state-by-state, and the data that are available do not get down to the level of detail that allow informed judgments about quality and effectiveness.

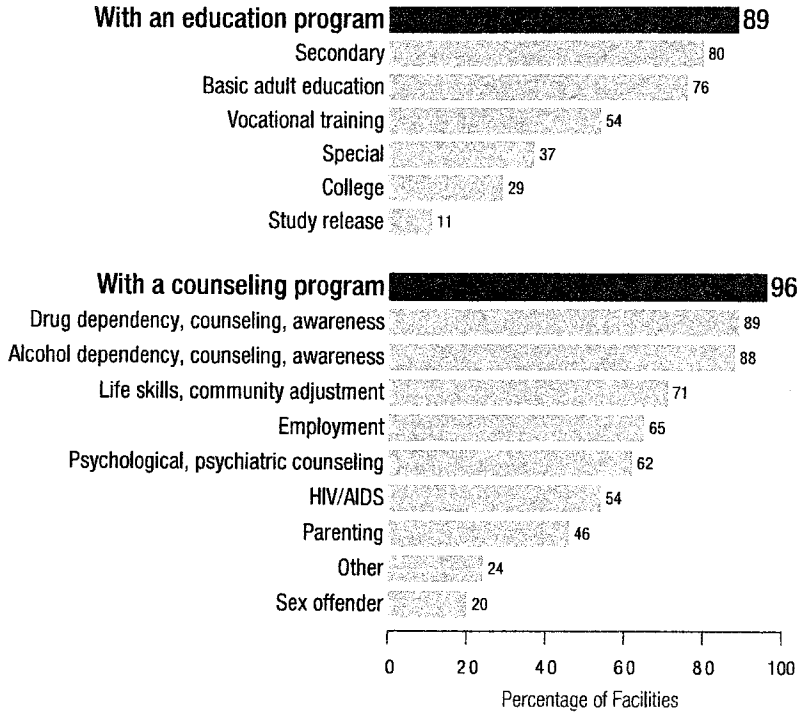
The national averages can mask huge differences among the states in the scope of their education programs. A detailed accounting of what we know, what we don't know, and what we need to know is contained in a recent study, *Correctional Education: Assessing the Status of Prison Programs and Information Needs.*[18]

Ideally, this section of the report would detail the status of educational programs in U.S. prisons and describe trends in states' commitments to correctional education. The data would include information on the types of education programs available in states, commitments by the states to these programs in terms of staffing and budgets, levels of inmate participation by program, and how the prison education enterprise has changed over time.

Unfortunately, the data to support such an effort are not uniformly available. Our previous report on prison education benefited from a special data collection by the *Corrections Compendium* journal on education programs provided in state correctional systems. The data we are able to provide in this report are more limited. Nonetheless, the information we have pulled together provides a broad overview of what's happening across

Figure 10

Percentage of Federal, State, and Private Correctional Facilities Providing Education and Counseling Programs, June 30, 2000



Source: James J. Stephan and Jennifer C. Karberg, *Census of State and Federal Correctional Facilities*, 2000, U.S. Department of Justice, Bureau of Justice Statistics, August 2003.

[18] Klein et al., 2004.

Table 1

Percentage of Prisons Offering Various Education Programs, 2000

Education Programs Offered	All	Federal	State	Private
Any program	89%	92%	90%	80%
Adult basic	76%	89%	80%	56%
Adult secondary	80%	90%	83%	65%
Vocational training	54%	86%	55%	41%
College coursework	29%	74%	26%	25%
Special education	37%	55%	39%	20%
Study release	11%	6%	8%	27%

Source: James J. Stephan and Jennifer C. Karberg, *Census of State and Federal Correctional Facilities*, 2000, U.S. Department of Justice, Bureau of Justice Statistics, August 2003 (revised 10/15/03).

the states. The lack of uniform and comprehensive data is probably indicative of the health of correctional education, which is affected by surging prison populations and tight state budgets.

Gathering financial data on the resources spent on correctional education is difficult for other reasons. In many states, money for prison education programs comes out of different agencies — for example, the state education department, the state department of corrections, local school districts, local or country governments, and special districts. Staff costs for these programs may or may not be allocated to corrections education budgets. Finally, special arrangements may also exist whereby local education agencies provide instruction to inmates.

Availability of Education Programs

Figure 10 shows the percentage of correctional facilities that were providing education and counseling programs in June 2000. Table 1 shows the percentages separately for federal, state, and private facilities. According to this survey of correctional facilities, 89 percent of all institutions offered some type of education program — 92 percent of federal, 90 percent of state, and 80 percent of private facilities. Most of these institutions provided vocational training (54 percent), basic adult education (76 percent), and secondary education (80 percent). Special education services, college classes, and study-release programs were provided by fewer institutions. Also noteworthy is that 74 percent of federal prisons offered college coursework, but the percentage of state and private institutions offering these programs was much lower.

While most programs increased in number from 1995 to 2000, there was some decline in the number of federal and state prisons providing adult secondary education (although there was a substantial increase in such offerings in private prisons). Vocational training increased in federal and private prisons, but not in state prisons.[19]

Finally, the survey breaks out the availability of education programs by type of facility — confinement or community based. Confinement facilities were more likely to provide education programs (94 percent versus 74 percent). This was true for all types of education programs except "study release" programs. These kinds of data tell us little about the size and scope of these programs, however.

Availability of Counseling Programs

The survey data shown in Table 2 indicate that 96 percent of institutions provide a variety of counseling services, most frequently relating to alcohol and drug dependency and awareness. Prisons also frequently offer programs to help inmates adjust after release. These programs include life skills and community adjustment (71 percent) and employment counseling (65 percent). In general, confinement facilities were more likely than community-based facilities to provide counseling programs of all types. Again, however, these data provide no indication of the size or scope of these programs.

[19] Klein et al., 2004.

Table 2

Percentage of Prisons Offering Various Counseling Programs, 2000

Counseling Programs Offered	All	Federal	State	Private
Any program	96%	92%	97%	92%
Drug dependency, awareness	89%	92%	89%	86%
Alcohol dependency, awareness	88%	92%	88%	85%
Psychological, psychiatric	62%	92%	64%	42%
Employment	65%	88%	62%	70%
Life skills, community adjustment	71%	89%	68%	80%
HIV/AIDS	54%	82%	53%	50%
Parenting	46%	88%	42%	50%
Sex offender	20%	45%	34%	19%
Other	24%	13%	27%	15%

Source: James J. Stephan and Jennifer C. Karberg, *Census of State and Federal Correctional Facilities*, 2000, U.S. Department of Justice, Bureau of Justice Statistics, August 2003 (revised 10/15/03).

Table 3

Percentage of Federal and State Inmates Participating in Programs Since Most Recent Incarceration, 1991 and 1997

	Federal Prisons		State Prisons	
	1991	1997	1991	1997
Total	67%	56%	57%	52%
Adult basic education	10%	2%	5%	3%
GED/high school	27%	23%	27%	23%
Vocational training	29%	31%	31%	32%
College coursework	19%	13%	14%	10%
English as a second language	*	6%	*	1%
Other	8%	6%	3%	3%

* Not Available

Source: James J. Stephan and Jennifer C. Karberg, *Census of State and Federal Correctional Facilities*, 2000, U.S. Department of Justice, Bureau of Justice Statistics, August 2003 (revised 10/15/03).

Inmate Participation in Education Programs

The only recent surveys of prisoner participation in education and training programs are from 1991 and 1997. We do know that investment has been slipping, so the reach of the programs likely has declined further.

As shown in Table 3, the overall declines in inmate participation are substantial in federal prisons, and less so in state prisons. These declines are pretty much across the board, except for vocational training, which went up slightly. Of course, the prison population has increased, so the actual numbers of inmates in these programs have increased substantially as well.

According to these data, inmates with the least amount of education are the most likely to be enrolled in education programs — around 60 percent compared with 40 to 50 percent of those with more education. The participation rates for college graduates are about

as high as for those with a high school diploma or with some college; however, their representation among the inmate population is, of course, small. Male and female participation rates are about the same, while rates for minorities are slightly higher than for White inmates.

None of this tells us anything about how long inmates were in classes, how well they did, and what credentials they were able to achieve. Also, variation among the states in the size of programs is so huge that it limits what can be inferred from the national statistics. This variation was evident in the comprehensive survey published by the Corrections Compendium and summarized in the 1996 ETS report *Captive Students: Education and Training in America's Prisons.*

Eligibility requirements for prisoners to participate in programs vary greatly, as do the circumstances when they may be required to enroll. Incentives to encourage inmate participation also vary and may include receiving wages, gaining privileges, accumulating "good time," or receiving a sentence reduction. Such incentives are critical to encouraging participation and perseverance. The results of a survey on such requirements and incentives are described below.

The 2004 publication cited previously, *Correctional Education*, identifies the detailed information necessary for understanding the state of the prison education system. And there is a need for similar studies to be conducted regularly, given the indications that investment is declining at a time when the prison population is growing and that the number of former prisoners returning to their communities also is growing.

The availability of information about our public education system has been steadily improving, and even more data are required under NCLB. We believe there is urgency in creating a parallel prison information system on enrollments, achievement, advancement, and the quality of the curriculum and the teachers. Prisoners have significantly fallen behind, and the time they spend behind bars will likely be the best opportunity for preparing them to return to society.

Requirements and Incentives

There are a variety of actions taken by states to increase inmate participation in education, beyond simply making it available. On the requirement side, there has been a trend toward mandatory participation over the past two decades or so, a trend that stems from the adoption of mandatory education requirements by the Federal Bureau of Prisons in 1981. At the time of the last survey in 2002, 44 percent of the states had passed such mandatory requirements.[20] Ten of the states that mandate programs also provide various incentives for participation. This kind of forced education remains the subject of debate. Some believe it is inappropriate or ineffective in getting inmates to learn, while others point to research that shows otherwise. In some states, of course, all of the classrooms are filled to capacity with volunteers.

While the remaining states do not have mandatory education provisions in their laws or policies, in several states judges may impose such a requirement at the time of sentencing. And four of these states have incentives of varying strength to encourage achievement, such as earning "good time," or requiring a GED to receive a raise in a prison industry. Table 4 provides a brief summary of the various approaches taken by states.

The Declining Investment

Captive Students, an ETS report published in early 1996, reported a decline in the resources available for education and training in prisons, as well as a wide variation of resources among the states. According to the report, at least half of all state correctional institutions had cut their inmate educational programs over the prior five years.

Average state expenditures can be deceiving, as the state-by-state budgets revealed. In 1993-94, the latest time for which data were available, the total budget per inmate varied from just under $2,500 in Minnesota and about $1,300 in Vermont, down to almost nothing in California, Mississippi, and Wisconsin. A middle amount was about $500 in Arkansas. Similar large variations occurred in the amount spent per partici-

[20] For more information on trends and considerations involved in mandatory education programs, see Jerry McGlone, *Status of Mandatory Education in State Correctional Institutions*, U.S. Department of Education, Office of Vocational and Adult Education, Sept. 20, 2002; and Harold D. Jenkins, *Mandatory Education: A Status Report*, Nov. 22, 2002.

Table 4

Examples of Mandatory and Voluntary Education in State Correctional Institutions

Examples of Mandatory Education Requirements	
Arizona	attainment of 8th-grade literacy tied to earned release credit
Florida	"gain time" for GED
Hawaii	education a pre-condition for parole
Montana	three-month commitment signed; non-completion has parole consequences
Oklahoma	GED influences parole decision
Pennsylvania	no job assignment for refusal to participate in education
Texas	program required for parole
Examples of Voluntary Education Programs	
Delaware	"good time" earned for voluntary participation
Indiana	adult basic education and GED programs are voluntary
Kentucky	pay and "good time" for participation
Minnesota	diploma or GED tied to raises
New Jersey	parole may be delayed for non-participation

Source: Jerry McGlone, *Status of Mandatory Education in State Correctional Institutions*, U.S. Department of Education, Office of Vocational and Adult Education, September 20, 2002, Figure 1.

pant — from more than $6,000 in New Jersey down to just a few dollars in Alaska and Wisconsin. Figure 11, reproduced from the *Captive Students* report, illustrates these differences.

The decline has continued. From 1990 to 2000, the proportion of prison staff providing education fell from 4.1 to 3.2 percent of the total staff. That, combined with the large increase in the inmate population, boosted the number of inmates per instructor during that period from 65.6 to 95.4, or 45 percent.[21]

An extreme example of decline in education investment is Oregon. According to Gary Harkins, who started working for the Oregon Department of Corrections in 1980, an inmate then could learn a vocation or study all the way to a Ph.D. These days, he says the 2,000-inmate Oregon State Penitentiary has not one teacher on its staff.[22]

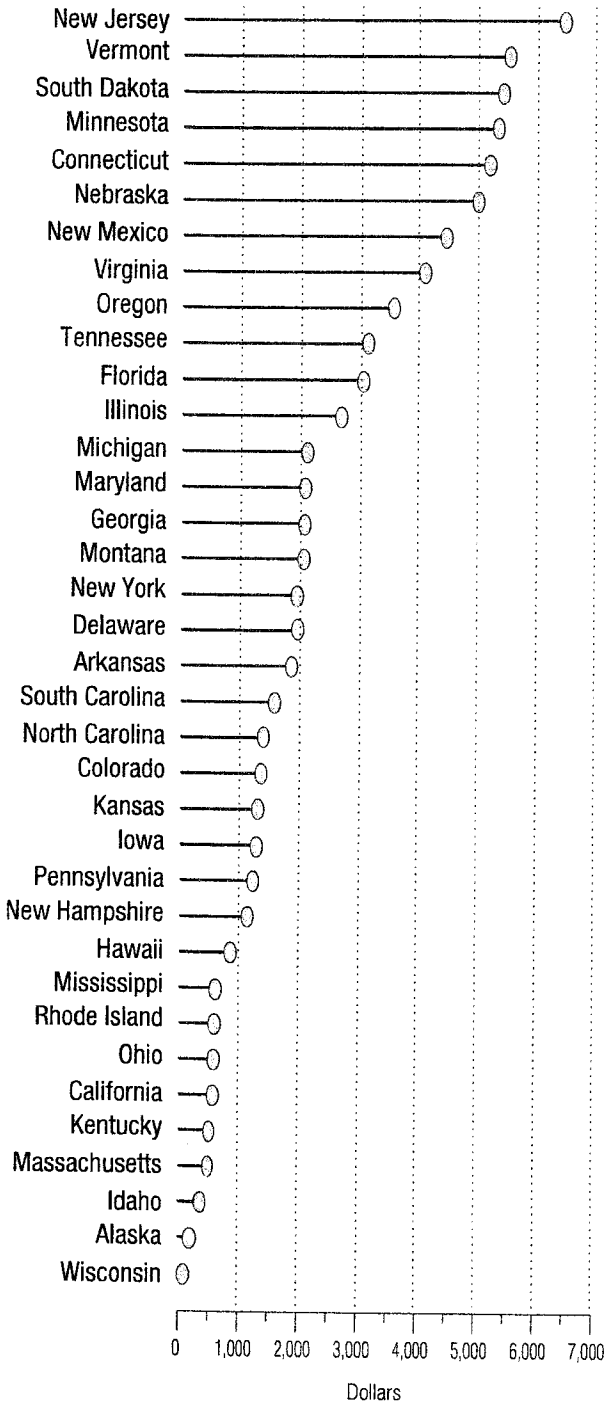
While the federal government has provided support for state correctional programs since the mid-1960s, declines are also evident:

- Before 1998, the federal government required states to spend *no less than* 10 percent of their Basic State Grant for Adult Education in state institutions, including correctional institutions; the law now requires them to spend *no more than* 10 percent.
- Under the Carl D. Perkins Vocational and Technical Act, funds are provided to states for programs in correctional institutions. Prior to 1998, states were required to spend at least 1 percent of their grants in state institutions (including correctional), but the 1998 amendments specify that no more than 1 percent may be so spent. As a result, some states have cut back on their expenditures in correctional programs.
- As part of the "get tough on crime" doctrine, Pell Grants that fund postsecondary education for low-income students were, in 1994, denied to inmates.
- Correctional institutions have had difficulty qualifying for federal aid due to changes to the Library Services and Construction Act in 1996.[23]

[21] Klein et al., 2004, p. 20.
[22] Peter Slevin, "Prison Experts See Opportunity for Improvement," *Washington Post*, July 26, 2005.
[23] Michelle Tolbert, *State Correctional Education Programs: State Policy Update*, National Institute for Literacy, March 2002.

Figure 11

Total Education Budget per Participant, 1993-94



Source: Corrections Compendium, Volume XIX, No. 3., March 1994. Missouri, Oklahoma, and Wyoming are not included because their reported budgets do not include personnel costs. Missing states did not respond to the survey.

While we have seen a long-term declining investment, some are optimistic about a turnaround. For example, Marc Mauer, assistant director of the Sentencing Project based in Washington, D.C., says the climate "has changed substantially," adding, "There's a growing liberal-conservative consensus that it's in everyone's interest that we provide resources in prison that decrease the chances of recidivism."[24]

[24] Slevin, 2005

The use of education and training in prison programs became pervasive in the 1930s. Since then, it has fluctuated with society's alternating emphasis on rehabilitation and punishment. Despite this long history, careful studies of the effects of these efforts were slow in coming. There have now been a considerable number of studies and evidence of success is accumulating.

A shift away from rehabilitation through education began in the 1970s. In 1975, Linton, Martinson, and Wilks published an influential and widely known assessment of efforts at rehabilitation.[25] Their work called into question the efficacy of most attempts at rehabilitation, after a stretch of renewed optimism and activism beginning in the 1960s. Martinson also published a review of studies in 1974, with a similar conclusion: Nothing works.

Lipton and colleagues did concede that "offenders are amenable to training and education ... (and) can generally improve basic educational skills given the teacher's real concern, personal interest, and dynamic instruction." Missing, however, were hard data.

Almost 20 years later, Gerber and Fritsch completed a comprehensive evaluation and summation of the prior two decades' research. The two also took another look at the Lipton, Martinson, and Wilks review, and disagreed with the conclusions drawn.[26]

Gerber and Fritsch's review was an ambitious undertaking. The two evaluated each study's methodology, with ratings based on factors such as control groups, matching vs. random assignments of subjects, use of statistical controls, and use of tests of statistical significance. Excluding the publications that met none of the criteria for inclusion, they report on the results of 72 studies, most of them conducted in the 1980s and early 1990s. A brief summary of their conclusions follows.

Basic Secondary Education. The conclusion: "A few researchers found no evidence that adult academic education has any positive effects on recidivism, but the most common finding... is that inmates exposed to education programs have lower recidivism rates than nonparticipants."

- Of 14 findings regarding recidivism, nine show positive effects.
- Of four findings regarding post-release employment, three show positive effects.
- Of two findings regarding post-release participation in education, both show positive effects.

Vocational Education. The conclusion: "Most of the research conducted in recent years shows a correlation between vocational training and a variety of outcomes generally considered positive for society or for correctional institutions."

- Of 13 findings regarding recidivism, 10 show positive effects.
- Of seven findings regarding post-release employment, five show positive effects.
- Of two findings regarding disciplinary problems, both show positive effects.

College Education. The conclusion: "Numerous studies have shown a clear and fairly consistent correlation between collegiate studies and recidivism, and between college and variables measuring personal growth. At the same time, some critics have pointed out methodological weaknesses in the research and caution against overoptimistic interpretations."

- Of 14 findings regarding recidivism, 10 show positive effects.
- Of three findings regarding post-release employment, all show positive effects.
- Of three findings regarding disciplinary problems, one shows a positive effect.
- Of two findings dealing with post-release participation in education, both show positive effects.

Gerber and Fritsch identify factors that explain why some programs are more successful than others in achieving their stated goals. The researchers draw upon reviews of 10 successful programs by Rice et al.,[27] Luiden and Perry,[28] and themselves to determine the following:

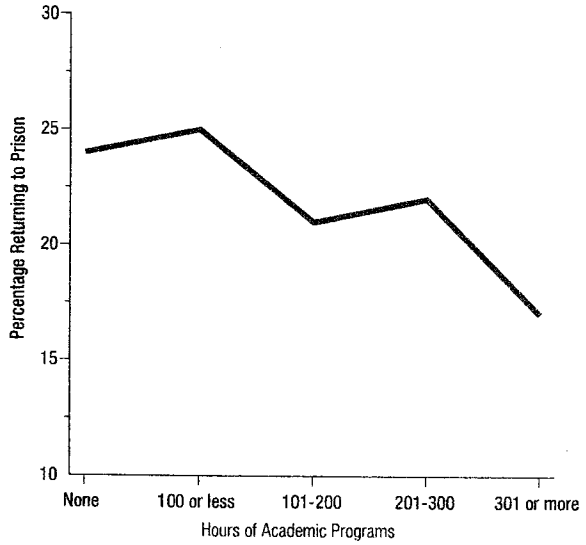
[25] D. Lipton, R. Martinson, and J. Wilks, *The Effectiveness of Correctional Treatment*, New York: Praeger, 1975.
[26] J. Gerber and Eric J. Fritsch, *Prison Education and Offender Behavior: A Review of the Scientific Literature*, Prison Education Research Project, Report 1, July 1993.
[27] E. Rice et al., *Assessment of Quality Vocational Education in State Prisons*, Executive Summary, Final Report, 1980.
[28] R. Luiden and D. Perry, "An Evaluation of a Prison Education Program," *Canadian Journal of Criminology*, 1984.

- The more extensive the educational program, the more likely it is to succeed. In New York, for example, inmates who earned a GED were less likely to return to prison than those who attended classes but did not earn a GED.
- Programs that are separate from the rest of the prison are more likely to succeed.
- Programs that follow up with inmates after their release are more likely to succeed.
- Programs tailored to the prison population are more likely to succeed.
- Programs that hone skills needed in the job market are more likely to succeed.

Although the Gerber and Fritsch work did not address the need for programs of substantial duration, rather than short-term classes, a subsequent examination of 14,000 inmates released from Texas prisons in 1991 and 1992 suggests that duration is important (see Figure 12). Adams et al. conducted the Texas study, with help from Gerber and Fritsch.[29]

Figure 12

Percentage Returning to Prison by the Duration of Academic Programs



Source: Adams et al., 1994.

The Federal Bureau of Prisons in its Post-Release Employment Project conducted a longitudinal study of more than 7,000 inmates from 1983 to 1987. Its purpose was to follow up on federal prisoners to see what effect the vocational or apprenticeship training and prison work experience had after they were released from prison. Prisoners who gained work experience in prison industries were 24 percent less likely to recidivate, and those who participated in apprenticeship and vocational training were 33 percent less likely. Lower rates of reincarceration were found as many as eight to 12 years after release.[30]

More recently, two researchers took a large step toward pinning down the effect of prison education and training on recidivism — and thus crime. Stephen S. Steurer and Linda G. Smith published the *Three-State Recidivism Study* in 2003. The uniqueness of their effort — which involves the states of re-arrest, re-conviction, and re-incarceration — is described by Steurer in the preface:

The extensive exit survey given to all inmate participants before release... has not been done in other research studies. This survey yielded data about the offender's family, prior involvement in the criminal justice system both as a juvenile and an adult, educational attainment, employment, and release plans which have never been collected from such a large sample of offenders leaving prison until now. Finally, no study has ever been able to collect and assemble data from so many important sources — offenders themselves, correctional, institutional and educational records, parole officers, state and national criminal history repositories, and state wage and labor data.[31]

[29] K. Adams et al., "A Large-Scale Multidimensional Test of the Effects of Prison Education Programs on Offenders' Behavior," *The Prison Journal*, Vol. 74, No. 4, December 1994.
[30] See W. Saylor and G. Gates, *Correctional Management Quarterly*, 1(2), 1997, and summarized in *State Educational Programs*, National Institute for Literacy, March 2002, p. 20.
[31] Stephen J. Steurer and Linda G. Smith, *Education Reduces Crime: Three-State Recidivism Study*, Centerville, UT: Management and Training Corporation, 2003.

[32] This study is not based on randomization — the gold standard in program evaluation — but the authors do attempt to measure motivation and to control for it as best as they can.

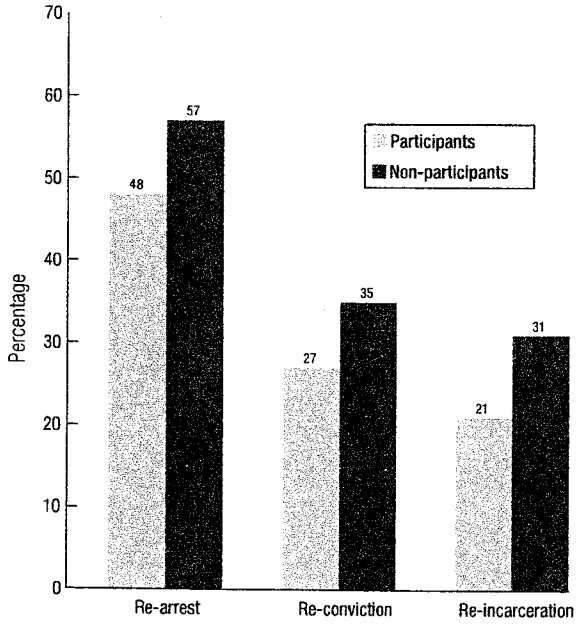
[33] Bazos and Hausman, 2004, p. 2.

[34] Gerald G. Gaes and Newton Kendig, *Prisoners Once Removed*, Jeremy Travis and Michelle Waul (eds.), Washington, DC: Urban Institute, 2004, pp. 113-117. The authors also summarize a comprehensive cost-benefit analysis of interventions.

The new study strongly suggests that prison education and training can lead to increased employment and significant reduction of recidivism — which, in turn, means lower crime rates and costs associated with building and staffing prisons.[32] Overall results from the three states can be seen in Figure 13. All of the differences are statistically significant at the .01 level. The overall drop in recidivism rates is 29 percent. In the combined results, there were no significant differences between participants and nonparticipants in the nature of new offenses committed.

Figure 13

Impact of Education and Training on Recidivism



Source: Steurer and Smith, 2003.

Audrey Bazos and Jessica Hausman took this study one step further. Using the three-state study, they did a cost-benefit study and concluded that "one million dollars spent on correctional education prevents 350 crimes" and is almost twice as cost-effective as the money being spent on expanding the capacity of prisons.[33]

The most recent — and most rigorous — meta-analysis of the results of interventions, drawing on all the latest research available, were those of Gaes et al., in 1999 and of Aos et al., in 2001. The results are summarized in the book *Prisoners Once Removed*, by Jeremy Travis and Michelle Waul:

> *These recent meta-analyses continue to show treatment effectiveness, particularly for academic instruction, vocational training, cognitive skills, sex offender programs, and substance abuse intervention.*[34]

These authors also point out that there are methodological flaws in some of the studies available. Regardless, there is substantial reason to expect that programs such as those studied can reduce recidivism and prison costs.

In the past several years, the problems of re-integrating an annual flow of around 650,000 prisoners into communities has raised interest in rehabilitation to a level not seen in the United States since back in the 1960s. Elsewhere in this report, the retreat from a rehabilitation approach is described. The number of prisons and the costs involved have become so huge that they are daunting, even to those who prefer the strict-punishment approach and the long-term removal of criminals from society. The impact of 97 percent of this immense population returning — at some point — to society has broken into public and official consciousness.

A significant initial response came from the federal government in 2001. The Department of Justice made more than $100 million in grants available to states for developing and expanding programs aimed at easing re-entry after release.

The Council of State Governments furthered efforts by establishing the politically bipartisan Re-Entry Policy Council. Made up of 100 key leaders in communities and state, local, and federal governments — including state lawmakers, criminal justice policymakers and practitioners — the council includes the following:

- workforce development and employment services officials
- housing providers and housing system officials
- representatives of health, mental health, and substance abuse treatment systems
- victim advocates
- people who have been incarcerated and their families
- ministers and others working in faith-based institutions

Upon its formation, the Council spoke strongly about what has been happening:

> *Despite their proven cost-effectiveness, prison and jail-based services are already threadbare. In nearly half the states, departments of correction are or have been under some form of federal court supervision because of overcrowding or the insufficiency of services available to inmates... As even less emphasis is placed on the services and supports people need upon their release from prison and jail, extraordinary investments are made in providing emergency services to people whose condition has deteriorated to the point that they cycle repeatedly through jails, emergency rooms, and detox facilities."*[35]

The report describes in detail, in its nearly 700 pages, all of the elements necessary in re-entry programs, and the kinds of partnerships required in the community. A model program, the Transition from Prison to the Community Initiative (TPCI) is referred to and is described in a 37-page companion piece issued by the National Institute of Corrections.

Regarding its release, a *New York Times* editorial commented, "State and federal lawmakers are *finally* realizing that controlling prison costs means controlling recidivism — by helping newly released people establish viable lives once they get out of jail."[36]

Re-entry projects around the country have been similar, or at least somewhat similar, to the Offender Re-entry Program (ORP) in Suffolk County, Massachusetts. The lead educational agency is Boston's Bunker Hill Community College. The program is detailed in a case study found in a report of the Economic Policy Institute (EPI).[37]

ORP provides soon-to-be-released inmates with an intensive 6-hour-a-day course of study over a six-week period. After release, the inmates continue to receive support from caseworkers and mentors for a minimum of six months — and many choose to continue beyond this six-month period. Drawing on different community resources and agencies, the program includes:

- education during the final six weeks of prison provided by Bunker Hill Community College

[35] Re-Entry Policy Council, *Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community*, Executive Summary, Jan. 21, 2005, www.reentrypolicy.org/executive-summary.html.
[36] *New York Times*, Jan. 21, 2005.
[37] Anne M. Piehl, et al., *Prospects for Prison Re-Entry*, Working Paper No. 125, Economic Policy Institute, August 2003, pp. 6-8.

- job assistance at the one-stop career center called Workplace
- case management provided by Community Resources for Justice
- mentoring support from the faith-based Ella J. Baker House

Texas Project RIO (for "Reintegration of Offenders"), an earlier program closely linked to the prison system, provides incarcerated prisoners with a variety of services aimed at matching released prisoners with jobs. Services include a week-long job search workshop, job-placement assistance, and post-release follow-up. A 1992 one-year follow-up reported that 69 percent of RIO participants found jobs, compared with 36 percent of non-RIO parolees, and that 23 percent compared with 38 percent returned to prison.[38] Initial returns after an additional eight-month follow-up were also encouraging, but results from longer-term follow-up studies are needed.

The prison-return problem has continued to gain visibility. There is certainly a need for transition services and partnerships. But what about the need for education, training, and useful work experience over the duration of incarceration? A six-week program just before release may be helpful and an important complement to prior efforts, but it is much too short term to raise educational achievement to the high school level, or to impart a job skill demanded by the labor market.

The idea of imparting the education and skills people need to succeed out of prison is emerging from the dark, but it has not yet seen the light of day.

[38] Jeremy Travis, *But They All Come Back: Facing the Challenges of Prisoner Reentry*, Washington, DC: Urban Institute Press, 2005, p. 173.

When we think of prisons and prisoners, we think of people who have broken the law. This image does not include the children of prisoners. It is likely that the great majority of these children had difficult lives before a parent's incarceration, given the typical low educational levels and prior income of prisoners, and the other kinds of disruptions that may have existed in the children's family life. Having a father convicted and sent to prison exacerbates any pre-existing problems and jeopardizes the children's well-being. And if a child's mother is convicted, the degree of disruption is compounded since often the children of prisoners live in mother-only families.

Separation from a parent affects children in many ways, not the least of which is financially. In 1997, seven in 10 parents in state prisons reported that they were employed either full- or part-time just prior to incarceration. Sixty percent of fathers reported having a full-time job (55 percent of the men are fathers), compared to 39 percent of mothers. And welfare to parents under the Temporary Assistance for Needy Families programs ceases upon incarceration (although the new caregiver may receive payments for the children).[39]

To ignore what happens to the children of prisoners in the home, the school, and the community is to accept that a high percentage of these children will follow in their parents' footsteps. In 2000, almost 3.6 million parents were either in prison or on parole, and about 1.5 million children had parents who were incarcerated in state or federal prisons. This number is even higher when parents in jail are included. The average age of children with at least one incarcerated parent was eight.[40]

Not much is known about how the children of prisoners are faring. What is known is that schools, communities, and prison systems are doing little on an organized basis to help them. Some of the efforts are described in a report by Ross D. Parke and K. Alison Clarke-Stewart.[41]

The California State Library published a review of the situation for children of prisoners in California in 2000.[42] At that time, an estimated 856,000 children in California — or 9 percent of the state's children — had at least one parent who was involved in the adult criminal justice system. Of those, 292,000 were estimated to have a parent in state prison or a county jail; the rest had a parent on parole or probation.

A 1992 report by the California Assembly Office of Research found little information on the children of prisoners and reported that "these children are not recognized as a group by any state agency or department in California."[43] According to the more recent California State Library report, this is still the case, with neither police nor the courts regularly inquiring — at arrest or sentencing — whether a prisoner has children.

The California State Library report summarizes what little is known. A survey of mothers jailed in Riverside found that over half of their children were between 3 and 6 years old. A number of small-scale studies found that:

> *"The children may suffer from multiple psychological problems, including trauma, anxiety, guilt, shame, and fear. Negative behavioral manifestation can include sadness, withdrawal, low self-esteem, decline in school performance, truancy, and use of drugs or alcohol and aggression."*[44]

Contact with an incarcerated parent is hard to maintain in California, as in many places. While 60 percent of the state's female prisoners are from Southern California, the two largest women's prisons are 260 miles away. One survey of prisoners' contact with children concluded that, "Today's prison system is designed to discourage rather than encourage parent/child relationships," due largely to distance, visitation restrictions, and associated costs.[45]

---

[39] Travis, 2005, pp. 126-127.
[40] Marian Wright Edelman's Child Watch weblog, Aug. 22, 2003, www.childrensdefense.org/childwatch/030822.aspx.
[41] Ross D. Parke and K. Alison Clarke-Stewart, *Effects of Parental Incarceration on Young Children*, paper produced for a conference funded by the U.S. Department of Health and Human Services, December 2001, p. 3.
[42] Charlene Wear Simmons, *Children of Incarcerated Parents*, California State Library, California Research Bureau, March 2000.
[43] Sharron Lawhorn, *Children of Incarcerated Parents: A Report to the Legislature Pursuant to ACR 38*, Assembly Office of Research, May 1992, cover letter, as cited in Simons, 2000, p. 3.
[44] Simmons, 2000, p. 4.
[45] James Austin, Patricia Hardyman, and John Irwin, "Exploring the Needs and Risks of the Returning Prisoner Population," a paper produced for a conference by the U.S. Department of Health and Human Services, Jan. 30-31, 2002, p. 73.

According to the California State Library Report, an American Bar Association study found: "While law enforcement policies and procedures specifically addressing children of arrestees may not currently exist in most agencies, the issue of accountability — and subsequent legal liability — is nevertheless present." Further, courts have asserted that police officers are duty bound to assure the safety of children present at an arrest. This short-term safeguard does not, however, assign accountability to any person or entity over the duration of the parent's incarceration.

Examples of long-term efforts to help children and families do exist. The descriptions provided in the paper by Parke and Clarke-Stewart illustrate what is possible, and provide a basis for thinking about broader policy. Current efforts are carried out by prison social-work agencies, schools, and clinics:

- **Parenting education for incarcerated mothers.** Studies have shown positive results in the kinds of knowledge needed. There are examples also of efforts with fathers.
- **The family unit as a target for intervention.** While most efforts have focused on the incarcerated parent, some are directed at the family unit, stemming "from claims that post-release success is higher among inmates who have maintained family ties during incarceration." This may include conjugal visits, furloughs, and family and marital counseling. The United States lags behind other countries in taking this approach; Mexico, Sweden, Denmark, and Canada are cited.
- **Visitation programs.** Some women's institutions have visiting programs that provide play areas for children, extended visits, and even special housing in the institution for children. Crafts and games may be provided, as well as transportation.
- **"Co-detention:" Raising children in prison.** There are innovative programs in Europe and the United States that allow for mother and child to remain together for some period of time. Nurseries in prison go back to early in the 20th century in the United States. A strong argument is that such arrangements permit the mother to develop an emotional attachment with the child. Drawbacks include the appropriateness of the environment for children and the degree of freedom had by the children.
- **Alternatives to incarceration.** Some type of community-based sentencing is involved. This might include house arrest; halfway houses; or day programs at correctional institutions with the mother returning home at night. One survey of 24 community-based programs reported reduced recidivism and increased family preservation.

An example of efforts to increase contact between prisoners and their families is Hope House in Washington, D.C. According to Jeremy Travis:

> *Hope House connects incarcerated fathers with their children in the District, hosts summer camps at federal prisons in North Carolina and Maryland where children spend several hours a day for a week visiting with their fathers in prison... (and) created a teleconference hookup with federal prisons in North Carolina, Ohio, and New Mexico so that children can go to a neighborhood site to talk to their fathers in prison.*[46]

The ever-increasing rate of incarceration of mothers and fathers makes the question of the children unavoidable. Ignoring this question instead makes unavoidable a new generation destined for the fate of its parents. The magnitude of the problem is sobering. If an average of 9 percent of California children are affected by a parent's contact with the criminal justice system, what is the percentage among minority and economically disadvantaged children?

The tide has been turning for decades toward punitive measures, and the downward trend in prison education and training has been a steep one. No matter where people stand on whether sentences should be longer or the three-strikes-and-you're-out approach, no one can deny the problem of ignoring the children and what it may mean — to them and for a safe society — in the future.

[46] Travis, 2005, p. 137.

On the contrary, incarceration has to be looked at in its broader context, as pointed out by Jeremy Travis:

> *Imprisonment causes ripple effects that are felt throughout a prisoner's family network and has magnified those effects in a strong undercurrent that is eroding the familial infrastructure of America's poorest communities. Virtually every social institution that deals with children — including families, schools, child welfare agencies, foster care, and kinship care systems — is touched by the high rates of imprisonment.*[47]

Today, interest in protecting the parent-child bond in relation to prisoners is on the rise and is extending to fathers. The Vera Institute of Justice conducted "A Review of the Field," concluding that:

> *Despite the absence of formal public policies and minimal public recognition of need, parenting programs are offered in a few prisons and jails, though they have not had anywhere near the longevity experienced by programs designed for women's prisons.*[48]

There is no reason why the disagreements over crime and punishment should extend to caring for prisoners' children. Everyone has reason to be concerned with whether the children of convicted criminals grow and prosper, and become law-abiding and productive citizens. What must still be resolved is whether new policies or approaches are sound and effective.

---

[47] Travis, 2005, p. 147.

[48] John M. Jeffries et al., *Serving Incarcerated and Ex-Offender Fathers and Their Families: A Review of the Field*, Vera Institute of Justice, 2001, p. 8.

Table 5

Black Male Incarceration Rates, by Age Groups

Ages 18-19	Ages 20-24	Ages 25-29	Ages 30-34	Ages 35-39	Ages 40-44	Ages 45-54	Ages 55 Up
5.4%	11.1%	12.6%	11.0%	10.0%	8.0%	4.6%	0.9%

Source: Calculated from data in Harrison and Beck, 2005.

In a general picture of high and rising incarceration rates, the situation of Black males is divergent enough to require an in-depth look. As seen in Figure 4, the incarceration rate for Black males is seven times that of White males and three times higher than Hispanic males. These multiples are typical at each age interval, except 35 to 39, when the Black male rate drops to 3.4 times the White male rate.

Overall, the incarceration rates for Black males are staggering, as shown in Table 5. The low rate of incarceration at age 55 and over reminds us that, unless they die in prison, all prisoners return to society at some time.

To put the incarceration rates of Black men into perspective, consider the following: When the national unemployment rate rises to 10 percent or more, we characterize the economy as past a recession and in a depression. If at least 10 percent of U.S. men in this age range were fighting a war, the country would experience serious challenges to its productivity. And if that percentage were hit by a deadly virus, the proportion would be labeled epidemic.

These incarceration rates are part of a larger phenomenon in the Black community and cannot be viewed in isolation. Black males, particularly in their 20s and 30s, are disappearing from the economy — and from traditional family units. The two are, of course, connected. About half of these young men are leaving high school without a diploma. These are the men who are in the most serious straits.

Unemployment rates for high school dropouts are staggering. But these rates only reflect those who are *looking* for work; many more dropouts give up and become classified as "not in the labor force."

Even after combining categories, the numbers do not provide a full picture. Disengagement and alienation extend much further. The statistics represented above can only reflect the "civilian non-institutional population" — those whom the U.S. Census Bureau finds living in households when the Bureau does its household canvasses and labor force surveys. But substantial numbers of Black males are not even counted; they are not found in the household when the census-taker knocks at the door. While extensive efforts by the Census Bureau to reduce this "undercount" have met with considerable success, the undercount has by no means been eliminated. For example, from 1960 to 2000, the estimated percent of uncounted 18- to 29-year-old Black males dropped from 15.1 percent to 6.5 or 8.1 percent, depending on the demographic analysis model used.[49] Regardless of the model, that's still a lot of men missing.

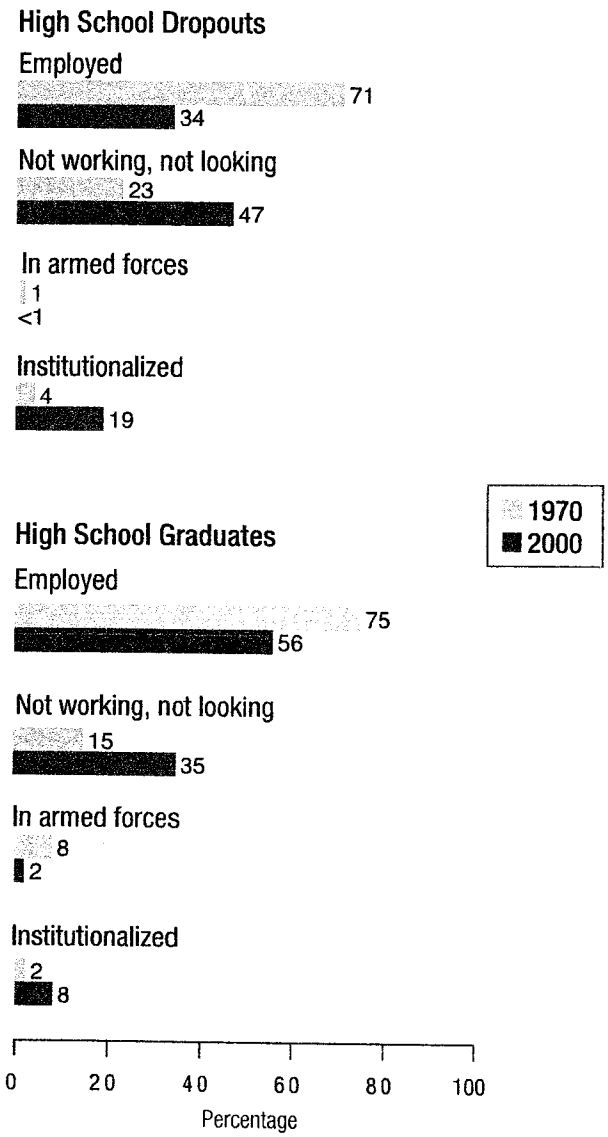
And then there are those who are accurately counted because they are in prison. The reason for examining more than the incarceration rate is that, for a large proportion of Black men, there is a movement among these categories: being unemployed, being out of the labor force, being disengaged to the extent of not being found by census takers, and being locked up. From prison, the odds are high of returning to one of the earlier categories — and then repeating the cycle.

Figure 14 represents a slice of the whole as represented by Black males with less than a full high school education and by those with a high school education, for 1970 and 2000.[50]

[49] J. Gregory Robinson, *Accuracy and Coverage Evaluation: Demographic Analysis Results*, U.S. Bureau of the Census, Table 7, March 2001.
[50] Steven Raphael, *The Socio-Economic Status of Black Males: The Increasing Importance of Incarceration*, Goldman School of Public Policy, University of California, Berkeley, March 2004, Tables 2 and 3.

Figure 14

Trends in the Status of Black Males, by Education Level, 1970 and 2000



Source: Raphael, 2004.

If we specifically focus on dropouts ages 18 to 25 and 26 to 30, we see an even bleaker picture. Among 18- to 25-year-old dropouts in 1970, 50 percent were employed; in 2000, just 27 percent were. In 1970, 8 percent were institutionalized; in 2000, 23 percent were — almost as much as the percent who were employed.

Among 26- to 30-year-olds, 76 percent were employed in 1970, with only 30 percent employed in 2000. Six percent were institutionalized in 1970, with that number rising to 34 percent in 2000 — *surpassing the percentage who were employed*. High school graduates at these ages fared better. However, even among graduates, the percent of 18- to 24-year-olds employed dropped from 62 percent in 1970 to 44 percent in 2000; the employment rate for 26- to 30-year-olds fell from 83 percent to 58 percent over the same time period.

Prisoners returning to their communities, particularly without at least a high school education, have three strikes against them in getting a job. First, a criminal record makes it difficult to secure employment upon re-entry to society. Even when employment is secured, the amount of earnings is adversely affected. Second is a lack of work experience, since time when others would be bolstering their credentials was spent in prison. Third, some occupations are closed to felons, including jobs requiring close contact with children, various health and public service occupations, and jobs in security firms.[51] Employer surveys reveal an aversion to hiring ex-prisoners; Raphael cites the Multi-City Study of Urban Inequality:

Over 60 percent indicated that they would "probably not" or "definitely not" hire applicants with criminal history records, with "probably not" being the modal response.

Employers surveyed were those who had recently hired low-skilled workers — which ex-prisoners are likely to be.[52]

[51] Raphael, 2004, p. 21.

[52] For an in-depth analysis of the effect of incarceration on subsequent labor market success, see Henry Holzer et al., *Declining Employment Among Young Black Less-Educated Men: The Role of Incarceration and Child Support*, National Poverty Center Working Paper #04-5, April 2004.

Ex-offenders, of whatever race or ethnicity, are at the bottom of employers' wish list. Surveys show that employers would much prefer to hire someone on welfare, someone whose highest level of academic achievement is a GED, someone with a spotty work history, or someone who has been unemployed for a year — all people who normally have a relatively hard time in the labor market.[53]

While we know how many people are in prison at a given point in time, we have less reliable information regarding how many members of society have a prison record, irrespective of when they served time. Such data would better depict the extent to which ex-prisoners face employment problems.

The Bureau of Justice Statistics regularly makes estimates by race and age, but not by education level. It estimates that 20 percent of 24- to 35-year-old Black males and that 22 percent of 35- to 44-year-old Black males have served time. The corresponding percentages for White males are 3 and 4; for Hispanic males, they are 9 and 10. Another Justice Policy Institute study estimated that by 1999, 50 percent of Black male high school dropouts in their early 30s had prison records, compared to 10 percent of White males.

"These findings clearly show that, for low-education African American men, prison has become a common life event, even more common than employment or military service," states Princeton University's Bruce Western, a co-author of the JPI report.[54]

The situation in California is worse than that in the nation as a whole. Raphael used administrative records to make estimates for California. He found that almost all Black males who were dropouts had served time.[55]

The labor market prospects for the large proportion of young Black males who do not complete high school are dire and have been steadily worsening, as they have for dropouts generally. The prospects for those with a prison record are considerably worse. How these dropouts fare depends largely on their family supports and pressures.

Given the trends here described, the prospects for increasing equality in employment and earnings, and in the achievement of children in school, seem dim.

Dropouts that do end up in prison should not be dismissed as lost causes. Instead, their time incarcerated should be spent raising their educational level, receiving realistic training for jobs, and earning quality work experience through prison industries. The obstacles of being an ex-prisoner are real enough; raising prisoners' education and skill levels high enough to be competitive is the best way we can help them successfully transition back to the workforce, society, and their families.

[53] Travis. 2005, p. 164.
[54] Justice Policy Institute release, Aug. 28, 2003, downloaded June 17, 2005, regarding a policy brief, *Education and Incarceration*.
[55] Raphael, 2004, Table 4. Raphael explains the methodological problems in making these estimates for California; they probably should be taken as approximations (see p. 22 and the footnotes to Table 4).

Those who are comforted by the flow of criminals into prison tend to forget that those who go in will likely come out — whether or not they are prepared to return to society and function as productive citizens.

The prison population largely includes people with the lowest levels of educational achievement. Those who go to prison often have not done well in the employment world either. The 600,000 or so ex-offenders returning to the community each year are in danger of being as locked out of the labor market as they were locked up in jail, particularly if they have not completed high school. They re-enter society with anywhere from one to three of the following strikes against them:

- **Strike One** — Ex-prisoners, many of whom are high school dropouts, have an increasingly hard time securing a job; if they get one, they have difficulty earning a wage on which they can live and support their families.
- **Strike Two** — Employers value experience and continuity of work history. Former prisoners have been out of the labor market and have not added to their work experience.
- **Strike Three** — Employers are reluctant to hire former prisoners.

The rate of incarceration for Black male dropouts between 20 and 39 has reached a critical point, with an almost equal number imprisoned as employed. The likelihood of raising their achievement levels, and their children's in turn, is poor — unless they gain education while they are in prison.

In the 1970s, the United States began rejecting efforts directed at rehabilitation — efforts such as education and training. Many had concluded that rehabilitation did not work.

The analysis behind that view has since been proven wrong, and many subsequent studies have found that education and training in prison can reduce recidivism and help ex-offenders readjust to community life. Recently, some prisoner re-entry programs — typically of short duration, held just before a prisoner is released, and that provide continuing transition services — have shown positive results.

Despite a consistently growing need to prepare prisoners for life outside bars, as well as to protect citizens from harm and to reduce costs associated with incarceration, the investment in prison education has fallen, decade by decade. Reversing that trend is a minimum requirement, not a wholesale solution, for reducing the high rates of recidivism. Education, training, and transition support at the point of release are imperative but should not be viewed as a panacea — or rejected because they are not.

Another dimension of the prisoner problem has gained recognition: Prisoners are parents of some 1.5 million children, children who are often neglected and who live in circumstances that put them at high risk of following in their parents' footsteps. To reduce the risk of these children turning to a life of crime, their parents must be able to return to society as self-supporting, responsible adults.

In the United States, as the late Senator Daniel Patrick Moynihan said, we only do what we measure. That we are not measuring the prison education enterprise in ways that would permit making decisions to improve it is a strong statement of the low priority assigned to prisoner education. Having made notable strides in measuring the effectiveness of public schools, the departments of Education and Justice now need to make a comparable effort to measure the quantity and effectiveness of education in prisons.

There is some new hope for extending and improving education for juvenile offenders in the mandates of NCLB so that delinquent youth also benefit from "best education" practices. The National Collaboration Project has shown that many programs for juvenile offenders will need a lot of help fulfilling the NCLB

mandates. Nineteen states have reported that they are unable to show whether they are meeting the requirements for "adequate yearly progress."[56]

The trend toward punishment and toughness need not serve as an impediment to education and training efforts. *Learning is tough work*, particularly for those who have not been encouraged to treat it as a priority or who have developed an aversion to it. But a minimum of a high school education is required for self and family support, and the criminal justice system has a responsibility to best serve society. What better way to do this than to ensure the self-sufficiency of ex-prisoners and to help break the cycle of crime in prisoners' families?

A chain gang requires hard physical labor; a learning gang requires hard mental effort and discipline. A growing number of states are understanding this and are enacting requirements and incentives to increase the educational attainment of prisoners. While approaches are still debated, there are precedents and experience on which to build.

We end this report with an excerpt from *Captive Students: Education and Training in America's Prisons*, a report we issued a decade ago.

> *We are polarized as a nation on the question of how to deal with crime and how to treat prisoners. Perhaps we are much less polarized on the question of whether it is in our self-interest to make sure our ex-prisoners are literate. This is the question we raise by issuing this report: should these captives also be students?*[57]

[56] John Gehring, "NCLB's Mandates on Delinquent Youth Get Attention," *Education Week*, July 27, 2005.
[57] Barton and Coley, 1996, p. 31.

Listening. Learning. Leading

0864 ITEM #