SENATE JUDICIARY
Exhibit No 2
Date 2/6/15
AB25

Report to the Law and Justice Interim Committee

Statewide Reentry Task Force

06/11/2014

Montana Department of Corrections
Director's Office

Steve Bullock, Governor
Mike Batista, Director

Law and Justice Interim Committee
Legislative Services Division
PO Box 201706
Helena, MT 59620-1706

Dear Law and Justice Interim Committee members:

On behalf of the Statewide Reentry Task Force created by House Bill 68, I am pleased to present this final report detailing our findings and recommendations related to developing and supporting successful reentry initiatives in Montana.

The Task Force began meeting on a regular basis in August 2013. Over the next 10 months, members examined Montana's correctional system and research from other states. They heard from former inmates who had successfully made the transition back into their communities. They discussed the barriers facing former inmates and what the potential partners in other state and local government agencies, as well as the nonprofit and private sectors, could do to help overcome those barriers. They researched potential program support for inmate reentry planning and preparation. And they discussed the concerns of victims and opportunities for restorative justice.

The report also incorporates the ideas presented during public comment at the meetings, as well as through the technical assistance provided by Department of Corrections' staff.

The Task Force and the Department of Corrections extend their sincere appreciation to the Law and Justice Interim Committee for its support in this undertaking and for the opportunity to bring together representatives of the many organizations that must work together to support successful inmate reentry.

Sincerely,

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I. Statewide Reentry Task Force Membership

The 15-member Statewide Reentry Task Force consists of:

Chairman, Mike Batista	Department of Corrections Director
Nancy Coopersmith	Office of Public Instruction
Kelly Lynch	Department of Commerce
Tom Nielson	Department of Public Health & Human Services
Steve Olson	Department of Labor and Industry
Dr. Mark Pagano	Montana State University Billings, university system representative
John Strandell	Department of Justice
Matthew Dale	Department of Justice, restorative justice representative
Derek VanLuchene	Ryan United President/Founder, crime victims representative
Dr. Gary Mihelish	NAMI Board of Directors, mental health advocate
Casey Schreiner	State Representative (HD22)
Jason Smith	Governor's Office Director of Indian Affairs
Moe Wosepka	Montana Catholic Conference, faith-based representative
Donna Huston	Center for Children & Families Executive Director, community representative
Fern Osler Johnson	Montana Board of Pardons and Parole Executive Director

The Task Force thanks Siri Smillie, Governor's Office Communities and Safety Policy Advisor, and Loraine Wodnik, Department of Corrections Deputy Director, for their consistent participation.

II. Introduction

Montana's Statewide Reentry Task Force began work in August 2013 to address responsibilities assigned in House Bill 68 as outlined in Title 46, Chapter 23, Part 9 (2012). The act tasked the Department of Corrections, in consultation with the Task Force, with the following responsibilities:

(1) Examine and implement programs that will help bring community resources into prisons to support inmate reentry planning and preparation;

(2) Develop partnerships with and contract with community-based organizations that provide needed services to released inmates in areas such as mental health, chemical dependency, employment, housing, healthcare, faith-based services, parenting, relationship services, and victim impact panels;

(3) Coordinate with community restorative justice programs to ensure victim concerns and opportunities for restorative justice practices, including restitution, are considered during an offender's reentry; and

(4) Collect data, conduct program evaluation, and develop findings and any recommendations about reentry and recidivism and include this information in an annual report to be made available to the Law and Justice Interim Committee.

The Department and Task Force acknowledge the importance of effective programming and the availability of services for individuals to successfully transition from incarceration to living within a community. To effectively manage the responsibilities presented by the Law and Justice Committee, the Task Force examined national best practices and successful efforts used in other state criminal justice systems. In an effort to understand the complexities of the criminal justice system, as well as to understand the risks and needs associated with transition into a community, the Task Force interviewed former inmates with varying levels of success in transition and listened to presentations from professionals within the academic, victim advocacy, criminal justice and service-based fields. Presenters included individuals with knowledge or experience of barriers affecting the successful transition of populations such as youth, Native Americans, males, females, and those with mental health and chemical dependency issues.

It is clear that collaboration between state agencies and private and nonprofit service providers, community-based efforts including utilizing probation and parole officers, and provision of mental health care are integral to the success of former inmates in Montana and to reducing recidivism. Recidivism, defined as the return to prison for any reason within three years of release, is a threat to public safety, costly to the State and challenging for Montana's families and communities. While the Department has focused for years on integrating inmates back into the community, the renewed focus upon reentry emphasizes

a collaborative interagency response that creates new connections, provides continuity of services and plans to close the gaps between the efforts of all parties involved. Recidivism reduction in Montana means less crime and fewer victims, safer correctional programs, more tax paying citizens and a more qualified work force.

The recommendations outlined in this report represent the strategies the Task Force believes to be important in furthering the state's offender reentry initiative. Some recommendations require legislative changes, and others require additional funding and staff resources beyond the department's current levels.

What is needed to implement the various requirements of each recommendation is indicated in the report by the following notations:

Indicates legislative approval needed for statutory change

Indicates legislative approval needed for additional funding or staff

III. Task Force Recommendations

A. Create Community-based Reentry Centers/Programs

The recommendation to create ***reentry centers*** or ***programs*** that assist former inmates as they transition from incarceration into Montana communities is based upon accepted best practices and supported by research. Developing sustainable ***relationships*** with partners involved in the reentry process - including mental health and treatment providers, law enforcement and other service providers - reduces duplication of effort and leverages existing resources (Jannetta, Elderbroom, Solomon, Cahill, Parthasarathy, & Burrell, 2010). Collaborative local reentry groups that include probation and parole officers have been developing through grass roots movements in metropolitan areas across Montana. In an effort to maximize the use of existing resources, we should support and develop partnerships with local groups.

Developing relationships within a physical structure or program ensures that reentry services that provide assistance with physical and mental health – including addiction treatment, family therapy and life skills – are delivered through a ***comprehensive multi-disciplinary*** approach.

Within the scope of community-based reentry centers or programs, the Task Force recommends these measures:

i. Create community tool boxes

To support local initiatives, create reentry tool boxes that may be customized to the unique issues facing each community. Tool boxes would provide information about best practices in culturally relevant programs, pre-release planning, developing community coordination, addressing victim concerns and developing resources such as housing, employment, restorative justice programs, and vocational and educational programs.

By providing communities a ***roadmap to success***, grassroots organizations can be guided in generating a local task force, building value into the program and measuring success. This approach allows for a streamlined and consistent approach to reentry across the state, and supports a system of communication that allows information sharing and trouble shooting.

Proposal: The Task Force recommends that the Department leadership and probation and parole officers develop partnerships with Montana community members and tribal organizations to identify communities that wish to begin or enhance existing reentry efforts. We recommend that the Department, in consultation with the Task Force, utilize probation and parole officers to coordinate delivery of information on best practices, available resources and financial assistance to ensure the success of local efforts.

ii. Mentoring programs

Positive, ***healthy social relationships*** are a key component of successful reintegration into the community and utilizing mentors targets issues that contribute to recidivism. Mentoring programs that connect inmates with mentors who live in the communities to which the inmates will return increase the likelihood that inmates will succeed – and decrease the likelihood that they will commit new crimes or violate the terms of their community supervision. Inmates who successfully transition into communities and avoid a return to incarceration most frequently cite mentoring as a crucial component of their success (Luther, Reichert, Holloway, Roth, & Aalsma, 2011). Mentors enable the coordination needed for services such as mental health and treatment to be effectively delivered across organizations and also help former inmates create a new version of 'normal' to guide decision-making following their release (Koschmann & Peterson, 2013).

Proposal: The Task Force recommends that the Department's secure facility staff and probation and parole officers be responsible for:

- coordinating efforts of mentors statewide
- encouraging the development of mentoring programs that begin during incarceration and are maintained through release into the community

We recommend that mentoring programs be developed in coordination with faith-based, restorative justice, nonprofit and other community service organizations and focus on providing individual support to high-risk populations such as youth, Native Americans, and those with mental health and chemical dependency issues.

iii. Enhance public understanding

In Montana, efforts must be made to enhance public understanding of the criminal justice system as a whole. A lack of public knowledge in terms of crime victim support, challenges faced by former inmates, and the social costs of crime must be addressed.

Former inmates returning to communities have difficulty obtaining housing, employment, and positive social relationships due to the stigma of previous incarceration. The many challenges faced by individuals returning to communities from prison are often ***exacerbated by a lack of understanding*** among members of the public and leaders within a community. For example, the Department and contracted service providers face difficulty finding locations for prerelease centers and reentry facilities in communities where zoning and local opposition prevent their development. Preventing the establishment of residences designed to help successfully reintegrate individuals within communities where the individuals are likely to succeed increases hardships upon former inmates and ultimately results in a higher likelihood of future crimes and recidivism.

Social consequences of incarceration are long-term and affect the economic viability, health and wellbeing of both the former inmate and his or her family (Sugie, 2012). Understanding public opinions is critical because these opinions have the capacity to affect the success of reentry efforts (Garland, Wodahl, & Schuhmann, 2013). If reentry efforts in Montana are to be successful, it is essential that the public understands the benefits of these efforts.

As legislators and policy makers seek a balance between ensuring public safety, protecting victims, and removing barriers to successful inmate reentry, it is important that we all understand the complexities of the criminal justice system.

Proposal: The Task Force recommends that the Department and local reentry groups provide the public, most notably landlords and employers, with accurate information about the risks and benefits associated with housing and hiring former inmates.

Secondly, the Task Force recommends that the Department continue efforts ensuring that victims of crime are made aware of:

- services available to them
- opportunities for restorative justice
- movement of offenders

Thirdly, the Task Force recommends that local task forces, in coordination with the Department, identify opportunities to present factual information regarding the benefits of reentry, as well as the services available to both former inmates and victims of crime.

iv. Ensure access to healthcare

The Department, other state agencies and service providers are responsible for ensuring that individuals released from incarceration have the knowledge and resources to access healthcare. Physical and mental illness as well as substance abuse can prevent an ex-inmate from successfully transitioning to the community (Woods, Lanza, Dyson, & Gordon, 2013). By focusing efforts on ensuring ex-inmates have access to healthcare, service providers can positively affect the overall health of the community to which a former inmate returns.

Access to ***affordable healthcare*** has been shown to reduce recidivism. By increasing a former inmate's access to medical and mental health treatment, we have the opportunity to improve the health and financial security of individuals reentering communities, increase public safety and increase the success of reentry initiatives statewide.

Proposal: The Task Force recommends that the Department and Task Force members work to:

- identify gaps in service delivery within the community
- make recommendations for service integration across public agencies

Examples include forming community partnerships to conduct health screenings, delivering health education, and incorporating transition planning from incarceration to release.

The Task Force recommends consideration of increased resources to community-based treatment service providers. Lack of access to mental health or chemical dependency treatment in the community has been identified as a significant barrier to success. The cumulative effects of this shortage can be seen in a rising inmate population and an increased likelihood that former inmates will recidivate.

v. Allow for information sharing

The efficient sharing of information among state agencies and service providers, when possible and in accordance with federal and state law, is paramount to the effective management of many of the reentry initiatives proposed. For example, the Departments of Corrections and Public Health and Human Services must be able to share information regarding eligibility for Medicaid in order to maximize former inmate's access to healthcare. To ***ensure continuity of care*** and to reduce gaps in services, it is important that communication between service providers in communities and the Department is streamlined, particularly regarding the release of inmates to the community and the risks and needs associated with that individual.

Proposal: The Task Force recommends that the Department implement information systems with the capacity to share information with external entities and provide assistance to community-based service providers and other state agencies to access necessary information.

An example of information sharing includes development of a community information portal within the Department's Offender Management Information System (OMIS) that allows approved individuals to access information. Access could be customized to include a former inmate's history, disciplinary record, treatment received during supervision and work history. The Department could also allow community members to add information via OMIS. Potential beneficiaries of this type of information sharing include:

- community-based treatment providers
- employers
- family members
- law enforcement

vi. Develop programming addressing trauma

Many inmates have experienced significant trauma in their lives. This includes sexual, verbal and physical abuse; a mentally ill or alcoholic parent; a mother who is a victim of domestic violence; an incarcerated family member; abandonment, and physical neglect or emotional neglect.

Trauma – and whether an inmate has the skills to cope with it – affects the likelihood of success within the community. A history of trauma is closely associated with decreased social support necessary for successful reentry (Kao, Chuong, Reddy, Gobin, Zlotnick, & Johnson, 2014). The likelihood of recidivism is reduced when an individual's history of trauma is assessed and programming is provided that addresses the trauma and explores how past experiences affect an individual's ability to develop social supports (Kao et al., 2014). When treatment is provided in a safe setting that increases understanding and teaches healthy coping skills, inmates are less likely to become re-traumatized and more likely to successfully negotiate the stress and barriers they face when they are released into the community.

Proposal: The Task Force recommends the creation and implementation of programming within secure correctional facilities and Montana communities that provides trauma-informed and evidence-based treatment to identify trauma and assist inmates in overcoming the barriers faced due to those experiences. In addition to cognitive-behavioral approaches, treatment models that emphasize resilience, recovery, and coping skills should be considered as an important component of programming.

vii. Increase communication with families of current and former inmates

Often, inmates in Montana are not incarcerated in a location close to their family and friends. While incarceration itself creates a significant barrier to positive and ***meaningful family relationships***, Montana's rural setting heightens the difficulties facing inmates and their families. Traditionally in Montana's corrections system, families have not been involved in the process of incarceration, treatment, transition and community supervision, to the detriment of inmates when they are released.

Incarcerated men and women who maintain positive and supportive relationships with family members are far less likely to return to the corrections system. Visitation from family members to maintain social ties while incarcerated improves the likelihood that an inmate will successfully transition to the community and not return to prison (Duwe & Clark, 2013). The Department and policy-makers in Montana should take measures to support increased communication between current and former inmates and their family members.

Proposal: The Task Force recommends that the Department increase focus on visitation with inmate family members and community-based service providers

during incarceration, especially for those individuals involved in reentry efforts within the community to which an inmate will be returning. Examples of increased opportunities for visitation include expanding upon current goals for video conferencing, implementing e-Messaging and increasing visitation hours.

Additionally, we recommend that community-based reentry efforts include family members of former inmates in their case planning and management to reduce the negative impact supervision can have on family members and to harness the family's investment in the former inmate's success. To enhance these efforts, the Task Force recommends that, as a key component to successful reentry and communication, the number of available probation and parole officers be increased to improve case planning, promote life skill development and foster family-based services.

B. Housing

Individuals reentering the community from prison face significant barriers in locating and maintaining affordable housing. This issue results in part from the social stigma associated with previous incarceration and from the difficulty in finding gainful employment. Additional challenges include the lack of public housing and of funding for a deposit or first month's rent, and the reluctance for private landlords to rent to former inmates.

Since homelessness is closely associated with recidivism, it is important that former inmates have access to stable housing. ***Affordable, stable housing*** contributes to more stable relationships with children and other family members and within the wider community. Without stable housing, former inmates are unlikely to reconnect positively to a community and are often re-incarcerated for violating conditions of supervision or for committing a new crime (Cortes & Rogers, 2010). By allocating taxpayer dollars toward less expensive community-based housing options, the lives of former inmates and their families are improved and the use of more expensive revocation options may be reduced (Cortes & Rogers, 2010).

Within the scope of housing assistance, the Task Force recommends these specific measures:

i. Educate and encourage private investors

To provide greater access to housing for former inmates and to make the most of existing housing options, efforts should be made to partner with potential landlords and to educate and offer incentives to private investors. This approach will support the private housing market and property owners will retain the ability to screen individuals to whom they rent.

Proposal: The Task Force recommends public policy providing additional funds or tax incentives for landlords who provide housing for former inmates and their families. This has been achieved in other states through use of Housing and Urban

Development (HUD) funds, state-funded landlord guarantee funds to protect against damages or unpaid rent, and significant up-front payments for rent and deposits provided by the State and reimbursed by the tenant.

We also recommend that the Department, service-providers and local reentry efforts undertake outreach campaigns to educate private investors and landlords in ways that mitigate the risk associated with renting to former inmates. The social stigma attached to parole is not always warranted in terms of risk to landlords. The Task Force recommends that we attempt to reduce those misconceptions and build trust between potential landlords and tenants.

ii. Develop nonprofit, community-based transitional housing

The Task Force recommends that the Department, nonprofit or private community-based organizations develop and enhance shared housing that provides former inmates with an affordable, supportive and stable housing option as they transition back into the community. Existing prerelease centers in Montana are at or near capacity and the ***need for transitional housing is increasing***. Community-based housing options provide a ***supervised and supportive environment*** during the transitional period and are associated with reduced recidivism.

The availability of transitional housing provides an opportunity for wrap-around services in the community which are shown to reduce the likelihood of recidivism (Lutze, Rosky, & Hamilton, 2014). Wrap-around services are individualized, comprehensive and address multiple areas of successful transition including housing, education and emotional needs. This type of atmosphere can be an integral component to successfully abstaining from substance abuse, mitigating the effects of mental illness or developing positive social connections. Individuals can transition from fully secure and structured environments to a shared community-based housing with fewer stressors and a greater opportunity to obtain permanent housing within the private market.

Proposal: The Task Force recommends that the Department, nonprofit, or private community-based organizations develop transitional housing or other prerelease program equivalents in additional communities in Montana.

We recommend that the State and Tribes work together to develop transitional housing or a prerelease program equivalent on reservations to assist American Indian inmates returning to tribal communities. American Indians who return to tribal reservations when they are released from prison do not have the option of "stepping down" with the support and structure that prerelease centers provide in other communities. We anticipate that providing American Indians with ***culturally specific wrap-around*** services will result in identification of unique risks and needs, and that recidivism for this population may be targeted more effectively.

C. Enhance Employment and Earning Opportunities

The Task Force recommends that inmates in Montana be provided greater ***opportunities for professional and vocational education and certificates***. Inmates who receive vocational training prior to their release are more likely to attain gainful employment and therefore also more likely to succeed within the community. Providing inmates employment opportunities while incarcerated through programs such as the Prison Industry Enhancement Certification Program offsets incarceration costs, compensates crime victims, and provides monetary support upon release (Hopper, 2013). Research from Raphael (2014) concludes that:

- former inmates who can attain and sustain employment are less likely to recidivate because they are given the financial resources to succeed
- employed individuals are less likely to commit crime
- employment provides daily structure and purpose

Proposal: To reduce recidivism and increase public safety, the Task Force recommends that the Department and/or other service providers be given funding to develop more vocational and professional education opportunities for inmates while incarcerated and immediately following release into the community.

Former inmates are often faced with financial difficulties upon release that could be lessened through more opportunities to earn money while incarcerated, as well as requiring inmates to save a certain minimum percentage of the funds they earn while in prison. The Task Force recommends that the Department be given the authority to set a minimum amount that inmate workers are required to save. Upon release, the Department should also have the ability to dispense money from the former inmate's account directly to landlords and other service providers.

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