

# **An Examination of Rural Prisoner Reentry Challenges**

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July 2013

*This project was made possible, in part, by a grant from the Center for Rural Pennsylvania, a legislative agency of the Pennsylvania General Assembly.*

## **EXECUTIVE SUMMARY**

This study explores issues and challenges surrounding the reentry of state prison and county jail inmates to rural communities in Pennsylvania. Reentry refers to the process of a prisoner transitioning to the community after a period of secure confinement in a state or federal prison or county jail. Reentry is one of the most popular topics in the corrections field. Most of the national reentry research has focused on the urban context of reentry, with relatively less focus on rural reentry. Even within Pennsylvania, reentry research has focused heavily on urban settings. Successful reentry hinges on pre-release planning, continuity of treatment and services into the community, and following the known principles of effective intervention—for example, targeting key treatment needs (such as antisocial attitudes and substance use), using evidence-based programs, and providing community-based aftercare services.

There is a critical need to examine reentry in the context of rural communities in Pennsylvania. Pennsylvania led the nation in 2009 with the largest absolute increase in its state prison population. The overall recidivism rate for state prisoners in Pennsylvania is 62% at three years post release, suggesting significant challenges to successful reentry. Moreover, while statewide reentry programs operated by the Pennsylvania Department of Corrections have been evaluated, very little is known about county jail reentry efforts, further reinforcing the timeliness and importance of the proposed study. Finally, Pennsylvania spent nearly \$1.9 billion on corrections at the state level in Fiscal Year 2011-12, a 40% increase over the past five years, reflecting an increase in the prison population of over 20% during that time. The financial and policy implications of successful reentry are highly significant and timely.

Reentry is a primary focus of the criminal justice system, yet research related to the rural context of reentry—a significant element of Pennsylvania's corrections environment—is sorely

lacking. Much of the extant reentry research has focused on urban areas - which admittedly receive the bulk of returning offenders – at the cost of understanding the challenges faced by offenders returning to rural areas. The current study attempts to build a knowledge-base for the understanding of rural reentry.

The current study first provides an estimated projection of the number of state prison and county jail inmates to be released to each of Pennsylvania's 48 rural counties over the next five years, along with an analysis of their key demographic characteristics. This study next reviews the literature on the challenges related to inmate reentry in general, and specifically within rural areas. Rural reentry challenges in Pennsylvania are explored through interviews and surveys with state and local corrections officials. Reentry programs offered within the state and local corrections systems in Pennsylvania are also documented. This study next examines the numbers and types of community services and programs that are potentially available to state and local inmates returning to rural areas. Finally, a gap analysis is conducted to examine gaps between reentry services needed by returning inmates and community programs available.

Data used for this study included data runs on released state inmates supplied by the Pennsylvania Department of Corrections and the Pennsylvania Board of Probation and Parole. Information on reentry programs in prison and in the community was also supplied by those two agencies. Data on inmates released from county jails were abstracted from an earlier study on county jails conducted for the Center for Rural Pennsylvania by the Principal Investigator for the current study. Interviews and surveys were also conducted with state corrections officials and county jails wardens to solicit their experiences with the reentry needs of returning inmates. Due to limitations on resources available to this study, however, no interviews or surveys could be conducted with returning inmates themselves.

Based upon trends in released state and county inmates over the previous five years, this study projects that releases of county jail inmates to rural counties will hold constant over the next five years, but that there will be a slight increase in the number of state inmates released over that period. The most likely explanation for the slight increase in releases of state inmates is that state parole approval rates have improved somewhat over the past several years. The most notable demographic trend among released inmates is an increase in the number of older inmates being released, and a slight increase in the number of female inmates being released.

Significant reentry needs for returning rural inmates include assistance with employment, housing and transportation. Transportation is a crucial linchpin in the reentry process, as the lack of public transit in rural areas can hamper returning inmates in their abilities to search for and get to jobs and housing, to get to treatment groups and medical and mental appointments, and to make required meetings with their parole agents. The challenges of finding work and suitable housing are magnified for “hard to place” offenders, such as those with serious mental illness, and sex offenders. The latter face significant restrictions on where they can live and work. This report also found that returning inmates also face some stigma for their status as ex-offenders. This is most notable for returning sex offenders.

While there appears to be a reasonably robust network of social services and programs in the rural counties for returning inmates, these services are unevenly distributed between rural counties. Most notably, there are very few reentry programs for sex offenders in any of the rural counties, and almost no programs that specifically address the most important rehabilitative needs of ex-offenders, including programs that address ex-offenders’ thinking, decision making and problem solving skills and their peer networks, all of which are strongly linked to recidivism reduction.

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## INTRODUCTION

Reentry refers to the process of a prisoner transitioning to the community after a period of secure confinement in a state or federal prison or county jail<sup>1</sup>. Reentry is one of the most popular topics in the corrections field (Petersilia, 2003). Research on reentry includes evaluations of prisoner reentry programs, as well as more basic research on how individual offenders navigate the process of reentry. Most of the national reentry research has focused on the urban context of reentry, with relatively less focus on rural reentry. Even within Pennsylvania, reentry research has focused heavily on urban settings (Bucklen & Zajac, 2009; Latessa, et al, 2009; Smith & Suttle, 2008). Successful reentry hinges on pre-release planning, continuity of treatment and services into the community, and following the known principles of effective intervention—for example, targeting key treatment needs (such as antisocial attitudes and substance use), using evidence-based programs, and providing community-based aftercare services (Andrews & Bonta, 2003; LaVigne, et al, 2008; Lowenkamp, et al, 2006; MacKenzie, 2006).

Risk and protective factors are an important part of the discussion of offender reentry, with risk factors being variables that jeopardize successful reentry, and protective factors being variables that facilitate reentry. These factors can operate at the level of society (e.g. economic opportunities and other structural issues) and the level of the individual offender (e.g. offender attitudes towards law abiding behavior). Societal level structural factors widely cited as being critical to reentry include jobs, housing, and community-based social services (e.g. drug programs) (Petersilia, 2003; Travis, 2005). For example, employment is often seen as one of the

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<sup>1</sup> As a note on terminology used in this report, while the RFP that lead to this study used the term “prisoner”, this report generally substitutes the term “inmate” as the latter is what is used by the state corrections agencies in Pennsylvania (Pennsylvania Department of Corrections and Pennsylvania Board of Probation and Parole). Terminology varies between county jails. Scholarly and practitioner writings on reentry use the terms prisoner, inmate and offender interchangeably, thus, there is no standard as far as which term is most acceptable. Offender is often used to refer to those with a criminal conviction, whether or not currently incarcerated.

most important structural protective factors, with some studies finding employed parolees are up to three times as likely to remain arrest free (Meredith, et al, 2007), although other studies find employment to be less central to reentry success (O'Reilly, et al, 2001; Tripodi, et al, 2010). Research also points to the importance of individual level factors, such as offender anti-social attitudes and criminal peers (Bucklen & Zajac, 2009; MacKenzie, 2006; O'Reilly, et al, 2001). For example, studies have identified key individual level protective factors, such as prosocial attitudes, coping and decision-making skills, as very important to success on parole (Bucklen & Zajac, 2009). While there is little research on how these structural and individual level risk and protective factors influence the reintegration of prisoners specifically into rural communities, there is some evidence that issues related to transportation, housing, social service availability, employability, and cultural barriers are especially salient in rural areas (Family Justice, 2009; Wodahl, 2006). Furthermore, research suggests that increased interagency collaboration, along with regionalization of resources, is particularly valuable to rural prisoner reintegration (Solomon, et al, 2008).

Reentry is the process of an inmate returning to the community after having served a period of incarceration in a state prison or county jail. While reentry has always been a feature of correctional systems, the last decade has seen a surge of scholarly and practitioner interest in the broad topic of prisoner reentry and the impact of over 700,000 prisoners hitting the streets annually (Petersilia, 2003). Many corrections agencies have established special offices and assigned staff to the task of prisoner reentry. National organizations such as the Council of State Governments and the National Governors Association, have established working groups such as the Reentry Policy Council. The federal Serious and Violent Offender Reentry Initiative (SVORI) in 2003 awarded over \$100 million to 69 jurisdictions to establish reentry programs.

Reentry found its way into the 2004 State of the Union address with a promise of federal support for reentry efforts. Over \$13 million was granted to 20 states in 2006 through the Prisoner Reentry Initiative Award program. And the Second Chance Act of 2007 resulted in the award of nearly \$8 million to 15 program grantees in FY2009.

There is a critical need to examine reentry in the context of rural communities in Pennsylvania. Pennsylvania led the nation in 2009 with the largest absolute increase in its state prison population (Pew Center on the States, 2010). The overall recidivism rate - the total number of inmates who returned to prison for a new crime or parole violation - for state prisoners in Pennsylvania is 62% at three years post release, suggesting significant challenges to successful reentry (Pennsylvania Department of Corrections, 2013). Moreover, while statewide reentry programs operated by the Pennsylvania Department of Corrections (PADOC) have been evaluated (Latessa, et al, 2009; Smith & Suttle, 2008), very little is known about county jail reentry efforts, further reinforcing the timeliness and importance of the proposed study. Finally, Pennsylvania spent nearly \$1.9 billion on corrections at the state level in Fiscal Year 2011-12, a 40% increase over the past five years, reflecting an increase in the prison population of over 20% during that time (Pennsylvania Department of Corrections, 2012a). The financial and policy implications of successful reentry are highly significant and timely.

Thus, reentry is a primary focus of the criminal justice system, yet research related to the rural context of reentry—a significant element of Pennsylvania’s corrections environment—is sorely lacking. As will be discussed in greater depth later, much of the extant reentry research has focused on urban areas - which admittedly receive the bulk of returning offenders – at the cost of understanding the challenges faced by offenders returning to rural areas. The current study attempts to build a knowledge-base for the understanding of rural reentry.

The Center for Rural Pennsylvania defines 48 of Pennsylvania's 67 counties (72%) as rural.<sup>2</sup> Thus, Pennsylvania's rural landscape is extensive, presenting many opportunities for prisoners to return to rural communities from state prisons and county jails. The PADC currently operates 27 correctional facilities (26 State Correctional Institutions and 1 Boot Camp). Nineteen of these 27 facilities are in rural counties, although inmates from any county (rural or urban) may be housed in any correctional facility (rural or urban). Five of the ten counties with the highest per capita state incarceration rates are rural (Pennsylvania Department of Corrections, 2012b).

As of the writing of this report, 43 rural counties operated their own jails.<sup>3</sup> The system-wide average annual total rural jail population (2004-2011) was 7,520 inmates per year, which is 22 percent of the total Pennsylvania county jail population of 34,489 as of the end of 2011 (that is, all 62 county jails combined). The rural county jail population has grown by 17 percent during this period. There is significant variation in the size of the rural county jails, with the smallest rural jail housing only 26 inmates per year on average, and the largest rural jail housing 421 inmates per year on average. Thus, the largest rural jail houses more than fifteen times the number of inmates as the smallest (Zajac and Kowalski, 2012). As discussed in greater detail in the report on rural county jails recently prepared for the Center for Rural Pennsylvania by the Principal Investigator of the current study, county jails in general face a unique set of challenges that impact prisoner reentry, including large proportions of inmates who spend only a very short

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<sup>2</sup> The Center for Rural Pennsylvania defines a county as rural when the number of persons per square mile within the county is less than 284. Counties that have 284 persons or more per square mile are considered urban. Accordingly, there are 48 rural and 19 urban counties in Pennsylvania.

<sup>3</sup> According to the Pennsylvania Department of Corrections, the five rural counties that do not operate their own jails are Cameron, Forest, Fulton, Juniata and Sullivan. Juniata County closed its jail in July of 2012 (during the course of this study), with those inmates being transferred to the Mifflin County Jail. Per personal conversation with the former warden of the Juniata County Jail, this jail was closed primarily due to the small number of inmates (c. 25 at any given time) and the deterioration of the jail's physical plant.

time in custody, difficulty in classifying and assessing a short-term inmate population, challenges in providing treatment services to inmates who may be in custody for only a short period, and financial issues related strained county budgets (Zajac & Kowalski, 2012). Unlike state prisons, which typically house only sentenced inmates, county jails are responsible for a complex mix of sentenced offenders, presentenced detainees, and others. Detainees can make up half of a jail's population at any given time (Zajac & Kowalski, 2012). Due to the large proportion of detainees, the population of county jails is often less predictable and more transient than is the case with state prisons, posing challenges for proper inmate classification and reentry preparation. Moreover, the typical sentenced county jail inmate serves a relatively short time (less than a year), making it difficult to deliver meaningful treatment, educational, and other services.

Further, it is often difficult to know what sort of reentry services to provide to the presentenced detainees (i.e. offenders who have been convicted but are waiting to be sentenced, as well as those charged with a crime and awaiting trial), given that some of them may be released on bail at any moment, and it is difficult to mandate programming for those who have not been convicted yet since their status as "offenders" is not yet established. Finally, for the purposes of better understanding the findings and discussion presented later in this report, it is important to recognize that while the PADOC does conduct annual inspections of county jails, and does provide training for many county jail staff, county jails operate under policies and procedures promulgated by the local county government.<sup>4</sup> Thus, Pennsylvania rural county jails represent 43 separate correctional systems, with their own reentry challenges.

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<sup>4</sup> For more information about the county jail inspection process, see [http://www.portal.state.pa.us/portal/server.pt/community/hide\\_county\\_jails/11433](http://www.portal.state.pa.us/portal/server.pt/community/hide_county_jails/11433)

## **GOALS AND OBJECTIVES**

This project examined the challenges and issues related to prisoner reentry to rural Pennsylvania, including release trends and projections, using a mix of original data collected from surveys and interviews with state and local corrections officials, as well as secondary data runs and other information obtained from their agencies. There were four primary research goals.

The first primary research goal was to estimate the number and characteristics of state prison and county jail prisoners likely to be released into rural communities in Pennsylvania over the next five years. Within the first primary research goal were four specific research objectives: (1a) estimate the number of state prison prisoners likely to be released from the Pennsylvania Department of Corrections to Pennsylvania's 48 rural counties over the next five years; (1b) estimate the number of county jail prisoners likely to be released from Pennsylvania's 43 rural county jails over the next five years; (1c) create a demographic profile of state prison prisoners likely to be released from the Pennsylvania Department of Corrections to Pennsylvania's 48 rural counties over the next five years; and (1d) create a demographic profile of county jail prisoners likely to be released from Pennsylvania's 43 rural county jails over the next five years.

The second primary research goal was to review the risk and protective factors affecting successful prisoner reintegration in rural Pennsylvania. Within the second primary research goal were two specific research objectives: (2a) review what the general criminological literature reports about key risk and protective factors influencing offender reentry, as well as challenges and issues surrounding reentry in general and specifically in rural settings; and (2b) examine and document the critical rural reentry challenges as indicated by key corrections officials at the state and county levels in Pennsylvania.

The third primary research goal was to identify and document reentry programs and services available to released state and local prisoners in rural Pennsylvania. Within the third primary research goal were two specific research objectives: (3a) identify reentry programs that are offered by the PADOC, PBPP and county jails to prisoners prior to or during the release process; and (3b) identify community-based programs in rural counties that are available to returning prisoners.

The fourth primary research goal was to conduct a gap analysis of reentry services available in rural Pennsylvania for successful reentry. Within the fourth primary research goal were two specific research objectives: (4a) identify any gaps that exist between the numbers of prisoners returning to each rural county and service capacity available in those counties; and (4b) identify any gaps that exist between the types of services needed by prisoners returning to rural areas and community programs available to returning prisoners.

Finally, public policy considerations are examined in light of the findings and conclusions derived from this study.

## **METHODOLOGY**

The study utilized existing administrative data sources and also collected original data by means of interviews and surveys in order to address the research objectives identified above. The methods used for each research goal were rather distinct, so the following methodological discussion is organized by research goal. All research activity was conducted under the approval of the Pennsylvania State University Institutional Review Board, governing protection of human subjects. This approval was granted on May 14, 2012.

### Methodology for First Research Goal – Release Trends and Demographics

Projections of inmates releases to the 48 rural counties during the period 2012-2017 were based upon inmate release trends for the preceding five years. Data on releases of state prisoners was collected from the PADOC and the Pennsylvania Board of Probation and Parole (PBPP). These combined datasets provided information on all state inmate releases during the period 2007-2011, showing essential demographics (race, gender, age) as well as the county that they had been committed to prison from, the county that they were first paroled to, and the county that they were currently residing in as of the time the data run was conducted. For inmates who were released as “max-outs” (i.e. not onto parole supervision, but at the completion of their maximum sentence without any supervision), no data is tracked on which county they reentered to. Thus, the county that they were committed from was used as a proxy for the county to which they returned. National reentry research has found residential stability among returning inmates to be quite high, with 72% of released inmates in one study residing at the same address two years after release, and just 10% having moved more than once since release, with the average distance between first and last known residence being 2.79 miles (La Vigne & Parthasarathy, 2005). Thus, committing county is a reasonable estimation of release county for max-outs. While the PADOC does conduct its own populations projections, it does not estimates releases per county; thus, this study was not able to simply use the PADOC’s projections.

Data on releases of county inmates and their demographics over the past five years was abstracted from the study of county jails that the Principal Investigator for the current study recently completed for the Center for Rural Pennsylvania (Zajac & Kowalski, 2012). That report contains a detailed discussion of the methodology used to collect the county jail dataset As part of the county jail wardens survey discussed below, the wardens were asked if their jails

conduct any formal populations projections of their own, in the hope that their analysis could supplement the analysis conducted here. None of the rural county jails reported doing any sort of projections.

By analyzing the changes in population over time for each county, the slope of a line was calculated using the least squares method. This “line of best fit” represents the number of releases in each county. Projection numbers were generated by extending the line of best fit through 2017.

While the line is not expected to accurately predict exact numbers, it can forecast reasonable estimates given recent trends. The reliability of the forecast can be estimated by using the  $r^2$  statistic which is reported for each county. This number ranges from 0 to 1 where 1 represents a perfectly predictable trend. The predictability of the trend for each county is impacted by the direction of recent trends (increasing, decreasing, or both increasing and decreasing over time) and the size of recent trends (small growth vs. large growth). Thus, while a county with consistent growth is easy to predict, the line for a county with large fluctuations of growth and decline is less reliable. Naturally, as the projection goes further in time, it will become less accurate.

#### Methodology for Second Research Goal – Risk & Protective Factors for Reentry

This study conducted a review of the literature on “what works” in reentry, as well as on factors that are found in national criminology research literature to be important to the understanding of offender reentry. These factors include those at the level of the individual offender (i.e. offender characteristics such as substance use) and at the level of society (e.g. labor markets and housing options). The researchers also reviewed the available literature on offender

reentry specific to rural communities. This literature review included key sources such as scholarly journals and books, and drew upon the extensive work that the Principal Investigator has already done on the topic of reentry. This literature review lays the groundwork for further exploration of risk and protective factors and specific reentry services with key corrections officials in Pennsylvania, as discussed next.

At the state level, the researchers solicited key corrections officials to participate in structured, in-person interviews to examine key needs and challenges facing prisoners returning to rural Pennsylvania, as well as how state corrections agencies in Pennsylvania respond to those challenges. Targeted state agencies were the PADO, PBPP, and the Pennsylvania Commission on Sentencing (PCS). The researchers had previously secured support from each of these agencies for this study. For the PADO, we targeted the following 8 positions for interviews: Secretary of Corrections, Executive Deputy Secretary, Deputy Secretary for Specialized Facilities and Programs (who oversees all treatment and reentry programs), the PADO reentry program manager, the Director of the Bureau of Planning, Research, Statistics and Reentry, the Director of the Bureau of Community Corrections and the Director of the Bureau of Treatment Services, as well as the Chief of Treatment Services within that Bureau.

For the PBPP, we targeted the following 12 positions for interviews: all 9 Parole Board members (including the Board Chair), the Director of the Bureau of Offender Reentry Coordination, Board Secretary, and Assistant to the Board Secretary.

For the PCS (a relatively small agency), we targeted the Executive Director.

While human subjects guidelines prohibit the disclosure of which specific individuals agreed to be interviewed, we were able to secure consent and interview 13 of the 21 targeted subjects, for a response rate of 62 percent.

The state officials were interviewed using a 48 item structured interview protocol that asked them to discuss various challenges and issues related to offender reentry in Pennsylvania, based upon their professional work experience in corrections in Pennsylvania. Topics were drawn from the aforementioned literature review, and covered the following reentry topics: employment, housing, family support, life skills, availability of community services, health issues (including mental health), criminogenic needs, and other. Respondents were asked to rate items on a scale of 1 to 10, with 1 indicating that the issue in question is not a significant reentry challenge, and 10 indicating it is a very significant challenge. Respondents were also given the opportunity to make open ended comments in any of the areas. All interviews were conducted by the Principal Investigator in the respondents' offices, with each interviews taking between one and two hours. In addition, a key informant was identified in the PADOC and PBPP to respond to an additional eight questions about the specific reentry programs in operation or in development in those two agencies (the PCS does not delivery reentry services directly). A copy of the full interview instrument is found in Appendix A.

In order to get input from Pennsylvania's rural county jails, a survey was mailed to the 44 wardens/sheriffs<sup>5</sup> of each rural county jail along with a cover letter that explained the purpose of the study and the voluntary nature of the survey. A self-addressed, post-marked reply envelope was also provided. The basic Dillman Tailored Design Method approach was followed, which is widely used in survey research (Dillman, et al, 2009). Survey participants' names and addresses were acquired from PADOC (PADOC conducts annual inspections of county jails and maintains a database of contacts for each jail), and then confirmed based on information available on the jails' websites. This survey was a variation on the previously discussed interview schedule,

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<sup>5</sup> In most states, jails are run by the sheriff's office. Pennsylvania jails, however, are typically run by wardens, who are not associated with the sheriff's office, except for McKean and Potter County jails, which are run by the dually titled Warden/Sheriff.

modified to fit a self-administered format, but exploring the same issue set. A copy is found in Appendix B. Based upon responses reported from surveys using this the Tailored Design Method approach (including numerous surveys previously conducted by Principal Investigator for this project), as well as the response to date from the county jail survey undertaken in Zajac and Kowalski (2012), a response rate of approximately 70% was hoped for. After the initial survey distributions and two rounds of follow-up contact with non-responders (recommended by the Dillman method), the final response rate was 55%, or 24 out of the 44 jails surveyed. It is unclear why more counties did not respond, nor does there appear to be any clear geographic or other pattern to the non-responders. One possible explanation is that the researchers learned after the fact that another survey on a different topic had been sent to the county wardens by another group of researchers at Penn State shortly before the survey for this project was sent. Thus, the non-responding wardens may have thought that the survey for this project was related to the other survey that they had recently received from Penn State and felt that they did not need to respond again. It was made clear during the follow-ups that the two surveys were independent of each other. Respondent fatigue may have also been a factor, as the wardens have a limited amount of time to dedicate to responding to surveys.

#### Methodology for Third Research Goal – Identification of Rural Reentry Services

For Research Goal 3, we utilized information about in-prison corrections reentry programs collected through the interviews/focus groups/surveys discussed above. As part of the interviews conducted with the PADOC, the researchers learned that PADOC has over the past several years compiled detailed directories of community-based services available in Pennsylvania's counties. The PADOC reentry program staff had contacted each of the county

human services departments to compile lists of all human services providers in each county, supplemented by searches of county web sites to learn about additional programs. This information is compiled into a resource directory for the counties, which are available on the PADOC website<sup>6</sup>. While it is unclear how often these directories may be updated by the PADOC, as noted earlier the current versions were prepared within the past one to three years and thus should be reasonably current. The researchers downloaded and analyzed these directories and coded the programs into eight service categories, as described in the findings section below. While these directories do not provide detailed information relating to the quality of these programs (e.g. staff qualifications, numbers of clients that can be served, fees for service), or how they coordinate services among themselves, they do provide valuable information on the numbers and types of programs in operation in the rural counties. It should be noted that the programs listed are available to any member of the community, regardless of their status as ex-offenders, but these programs do represent resources that are available to returning offenders. The PBPP also maintains a similar database of programs that can be used by parole agents as they seek to link parolees to community servers. The county wardens were also asked to list programs to which they refer released county inmates to, as part of the wardens' survey discussed above.

#### Methodology for Fourth Research Goal – Gap Analysis

The gap analysis compared the number of state and local inmates returning to each county to the total number of programs available in each county to compare the number of released inmates who may need services to the service capacity (i.e. total number of programs) in each county. As noted earlier, the total number of programs does not provide insight into the

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<sup>6</sup> See: [http://www.portal.state.pa.us/portal/server.pt/directory/resource\\_guides/155964?DirMode=1](http://www.portal.state.pa.us/portal/server.pt/directory/resource_guides/155964?DirMode=1)

quality of these programs or into their true capability to serve the needs of returning offenders, but given the large number of programs in operation across all the rural counties, it was beyond the capacity of this study to do any sort of evaluation of these programs. It is not possible to estimate how many community programs may be in operation over the next five years, thus this study simply used the current number of such programs, and returning inmates, to create a snapshot of the current match between returning offenders and service capacity in each county.

To delve into the match between released inmate needs and community service capacity, data was also collected from the PADOC on several types of treatment needs for released state inmates, so that those specific needs could be compared to specific types of treatment programs available in the counties. Data was acquired from PADOC on the need for drug treatment, educational services and mental health needs, based upon assessments conducted by the PADOC on state inmates. More information on this assessment information is provided below in the results section. This analysis allows for a more detailed examination of how the numbers of released state inmates with specific needs in those areas match up to the number of available programs that target those needs in each county. Detailed needs assessment data was not available for county inmates, and as discussed in the introduction, many small jails lack the capability to conduct in-depth needs assessments on their inmate populations.

## **RESULTS**

**First Research Goal: Estimate the number and characteristics of state prison and county jail prisoners likely to be released into rural communities in Pennsylvania over the next five years.**

*Research Objective 1A: Estimate the number of state prison prisoners likely to be released from the Pennsylvania Department of Corrections to Pennsylvania's 48 rural counties over the next five years.*

Data for state releases were gathered from the PA Department of Corrections.

Projections were constructed using the same methods outlined above with the number of releases into each county. Based on trends from 2007-2011, the number of overall releases from the state prison system is projected to increase at a rate of about 380 releases per year across all rural counties for the period 2012 through 2017.

Table 1 below presents the estimates of changes in the numbers of state prison inmates to be released to each of the 48 rural counties over the period 2012 through 2017. This table shows the actual number of releases for the period 2007 through 2011, upon which the projections are based, the projections for 2013 through 2017, plus the projection for 2012 which was the year in which the researchers were conducting the analysis. Thus, there are five base years, five future years, plus the intermediate year when the analysis was being conducted. As discussed in the methodology section, the r<sup>2</sup> statistic (last column) provides a measure of the goodness of fit of the projection, which speaks to the extent to which changes in the numbers of inmates released to a given county is stable and thus projectable going forward (see page 9 for an explanation of r<sup>2</sup>).

Looking at Table 1, the number of state inmates released to some counties, such as Adams and Blair, is relatively stable, and thus greater confidence can be had in their populations projections. Other counties, such as Armstrong and Susquehanna, have significant changes in the number of state inmates released there from year to year and thus one can have somewhat less confidence in the populations projections there. For example, although Armstrong fluctuated only between 38 and 45 inmates, these fluctuations represented a very large proportion of the jail's total population. More importantly, the fluctuations changed directions, neither consistently decreasing nor increasing. The projected releases in Armstrong still reflect the average number of inmates one would expect in a given year, but the low r<sup>2</sup> value means that this projection will likely have more "error"—a larger proportional difference between the projection and the actual population in any individual year. In general, year-to-year trends are more difficult to predict for jails with smaller populations due to greater proportional changes in their populations over short period of time. A related example might be the difficulty inherent in attempting to project near term changes in the stock market during periods of high market volatility. Conversely, counties such as Adams show a consistent change (increase in this case) in their population over the study period, thus presenting a more plausible case for prediction, which is what the r<sup>2</sup> statistic represents.

**Table 1: Projected Releases from State Prison to Rural Counties – 2012-2017**

County	Actual Releases					Projected Releases						r <sup>2</sup>
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	
Adams	96	106	137	146	193	206	229	253	276	299	323	0.94
Armstrong	39	46	38	45	38	40	40	40	39	39	39	0.01
Bedford	34	38	44	62	84	90	102	114	127	139	152	0.90
Blair	158	158	221	243	251	288	315	342	369	396	423	0.89
Bradford	98	66	72	93	107	101	105	110	114	119	123	0.17
Butler	134	141	161	184	170	193	204	216	227	239	250	0.78

County	Actual Releases					Projected Releases						r2
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	
Cambria	95	65	69	83	98	89	92	94	96	99	101	0.07
Cameron	3	4	16	6	10	13	14	16	17	19	21	0.23
Carbon	27	20	30	28	44	42	47	51	55	59	63	0.57
Centre	60	64	64	73	79	82	87	92	96	101	106	0.91
Clarion	26	24	45	39	50	56	62	68	75	81	87	0.75
Clearfield	176	162	191	194	204	212	221	229	238	247	256	0.71
Clinton	30	36	47	42	41	48	50	53	56	59	62	0.47
Columbia	36	36	43	58	36	48	51	53	55	57	59	0.13
Crawford	78	102	94	97	92	100	102	104	106	109	111	0.16
Elk	20	23	20	33	30	34	37	40	43	46	49	0.63
Fayette	321	295	324	353	384	391	409	427	446	464	483	0.73
Forest	8	17	5	15	9	11	11	11	11	11	11	0.00
Franklin	197	196	211	250	235	257	270	283	296	309	322	0.74
Fulton	26	31	28	36	34	37	39	42	44	46	48	0.65
Greene	37	39	53	60	64	73	81	88	96	103	111	0.95
Huntingdon	26	28	25	45	52	56	63	70	77	84	90	0.77
Indiana	52	49	58	74	72	81	87	94	100	107	113	0.81
Jefferson	81	79	100	113	115	128	138	149	159	169	179	0.89
Juniata	14	9	17	22	19	23	25	28	30	32	35	0.54
Lawrence	91	121	111	134	124	140	148	156	164	172	179	0.59
Lycoming	286	253	270	273	289	282	285	287	290	292	295	0.08
McKean	37	47	62	50	66	71	77	83	89	95	101	0.68
Mercer	155	144	129	153	146	143	142	141	140	139	138	0.02
Mifflin	45	38	50	76	91	99	112	125	138	151	164	0.83
Monroe	81	86	129	155	179	206	232	259	285	312	338	0.96
Montour	12	14	20	25	28	33	37	41	46	50	54	0.98
Northum- berland	155	122	111	130	362	303	345	387	429	471	514	0.40
Perry	29	16	42	43	57	62	71	79	87	96	104	0.71
Pike	29	32	42	48	59	65	72	80	88	95	103	0.97
Potter	8	17	14	14	9	12	12	12	12	12	12	0.00
Schuylkill	87	93	154	174	180	218	244	271	298	325	351	0.90
Snyder	73	55	66	70	72	71	72	74	75	76	78	0.08
Somerset	92	85	67	66	89	72	70	67	65	62	60	0.10
Sullivan	5	5	6	5	8	8	8	9	9	10	11	0.53
Susquehanna	31	24	29	27	39	36	38	40	41	43	45	0.28
Tioga	25	29	29	39	38	43	46	50	54	57	61	0.85
Union	58	38	59	61	74	75	80	86	91	97	102	0.45
Venango	164	131	138	139	158	145	144	144	144	143	143	0.00
Warren	48	61	62	75	78	87	94	102	109	117	124	0.94

County	Actual Releases					Projected Releases						r2
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	
Washington	132	140	165	228	233	267	296	325	354	383	412	0.91
Wayne	79	59	77	93	86	93	98	103	108	112	117	0.36
Wyoming	39	30	32	28	48	40	42	43	45	47	48	0.10
Total	5640	5482	5986	6510	7035	7282	7659	8045	8424	8806	9188	0.89

Source: Data runs supplied by PADO & PBPP.

*Research Objective 1B: Estimate the number of county jail prisoners likely to be released from Pennsylvania's 43 rural county jails over the next five years.*

County jail release projections were created by analyzing release data from 2007 through 2011 collected by researchers from the Pennsylvania Department of Corrections Office of County Inspection and Services. Overall, releases from rural county jails in Pennsylvania are predicted to increase at a slow pace of about 220 releases per year across all rural county jails for the period 2012 through 2017.

Table 2 below basically replicates Table 1 above, albeit for county jail inmates released to each county. These county-by-county projections are based upon the inmates released from each county jail, for that county. Several conditions should be noted. First, as documented in Zajac and Kowalski (2012), there is some small degree of movement of inmates between county jails (i.e. a county jail may house some inmates for another county), but detailed data on such movement was not available. Thus, for the purposes of these projections, each county jail's releases are taken as belonging to that county. Second, as noted earlier, Cameron, Forest, Fulton, and Sullivan counties do not have their own jails, and have not had them over the time period of this study. Thus, no county jail release projections are made for those counties. There

are presumably a very small number of county inmates from those four counties (which is why they do not operate their own jails) so the inability to account for their releases should introduce little error into the overall picture of rural county inmate reentry. Juniata county closed its jail midway through this study (July 2012), with its inmates being transferred to Mifflin County jail. Since data were available on prior releases from Juniata County jail (which were among the smallest of all the counties), the researchers decided to conducted a county jail projection for Juniata anyway, as their inmates will presumably return to Juniata county after their release from Mifflin County jail. Finally, data were missing for some counties for some years, and were available for Potter county for only one year, thus no projection could be made for Potter county.

Looking at Table 2, some counties show relative stability in the trend of the number of county inmates released (the r<sup>2</sup> statistic), such as Adams and Bradford, and thus greater confidence can be had in their populations projections. For other counties, such as Carbon and Elk, release trends are less clear and thus one can have somewhat less confidence in the populations projections there.

**Table 2: Projected Releases from Rural County Jails – 2012-2017**

County	Actual Releases					Projected Releases						r <sup>2</sup>
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	
Adams	1771	1844	1852	1965	2036	2048	2099	2149	2200	2251	2302	0.95
Armstrong	1215	1407	1323	1117	1022	1106	1074	1042	1010	977	945	0.48
Bedford	713	673	662	640	593	554	518	482	445	409	373	0.96
Blair	2310	2208	2244	2094	2292	2377	2436	2496	2556	2615	2675	0.08
Bradford	928	927	973	1089	1134	1146	1190	1234	1278	1322	1366	0.90
Butler	2306	2615	2270	2384	2494	2517	2559	2600	2642	2683	2725	0.03
Cambria	3450	4481	3725	3476	3350	3996	4149	4302	4456	4609	4762	0.17
Carbon	1016	919	931	904	988	1013	1040	1066	1093	1119	1146	0.05
Centre	1200	1211	1164	1173	1155	1189	1196	1202	1209	1216	1223	0.72
Clarion	685	754	643	630	568	617	610	603	596	589	582	0.67
Clearfield	1420	1584	1585	1392	1359	1441	1438	1435	1432	1429	1426	0.21

County	Actual Releases					Projected Releases						r2
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	
Clinton	3170	3043	2138	1829	1890	1587	1339	1092	845	597	350	0.86
Columbia	1053	1385	1562	1408	1187	1514	1589	1663	1738	1812	1886	0.05
Crawford	1410	1323	1357	1392	1424	1395	1399	1403	1407	1411	1415	0.14
Elk	310	389	370	326	351	350	350	350	350	350	350	0.01
Fayette	2573	2217	2791	3150		3095	3200	3305	3410	3515	3620	0.58
Franklin	2467	2444	2528	2595	2580	2624	2659	2694	2730	2765	2800	0.80
Greene	576	570	573	653	698	692	716	740	764	788	811	0.78
Huntingdon	373	471	470	510	537	568	599	629	660	690	721	0.87
Indiana	844	926	984	1136	1199	1212	1270	1328	1386	1444	1502	0.98
Jefferson	1176	817	663	700	820	711	680	648	616	585	553	0.42
Juniata	294	305	265	283	297	292	293	294	295	296	297	0.03
Lawrence	2317	2043	1847	1632	1634	1511	1393	1274	1156	1037	919	0.93
Lycoming	2406	2520	2511	2362	2335	2397	2392	2387	2382	2377	2371	0.31
McKean	842	781	614	648	681	736	754	773	792	810	829	0.57
Mercer	2135	2129	1879	1940	1859	1907	1889	1871	1853	1834	1816	0.76
Mifflin	1251	1188	1248	1162	1061	1195	1206	1216	1227	1238	1248	0.68
Monroe	1820	2246	2386	2567	2666	2732	2848	2964	3081	3197	3313	0.92
Montour	279	246	258	267	256	268	270	273	275	278	280	0.10
Northumberland	1470	1529	1580	1419	1487	1540	1561	1582	1603	1624	1645	0.04
Perry	665	760	748	615	709	708	711	715	718	721	725	0.02
Pike	1275	1244	1711	1771	2092	2034	2158	2282	2407	2531	2655	0.91
Potter					226							
Schuylkill	1908	1872	1810	1833	1747	1903	1938	1973	2009	2044	2079	0.87
Snyder	773	669	593	578	485	453	398	343	288	234	179	0.96
Somerset	776	765	706	698	627	554	495	436	377	318	259	0.93
Susquehanna	695	465	446	428	468	444	427	411	394	378	362	0.50
Tioga	450	469	419	432	487	426	415	405	394	384	373	0.05
Union	522	445	375	391	408	378	363	348	333	319	304	0.58
Venango	1437	1334	1257	1250	1229	1216	1192	1168	1144	1120	1096	0.85
Warren	833	779	818	754	762	784	786	788	790	793	795	0.57
Washington	2650	3027	3038	3176	49	1531	1291	1052	812	572	332	0.37
Wayne	581	439	539	533	532	510	503	497	491	485	478	0.00
Wyoming	387	367	365	421	449	403	401	399	397	395	393	0.60
Total	56732	57829	56220	55723	50223	55674	55794	55914	56041	56161	56281	0.65

Source: County jail data compiled by Zajac and Kowalski (2012). See note in methodology.

Total admissions and discharges from the county jails in rural Pennsylvania from 2007-2010 were highly correlated ( $r = 0.93$  where  $r$  ranges from -1 to 1 and 1 means perfect positive

correlation). This indicates that discharges increase when admissions increase and discharges decrease when admissions decrease. One must interpret this correlation with some degree of caution due to the small number of years of data (i.e. data points) available; three or four more years of data would provide more concrete evidence in terms of statistical significance. However, this correlation is consistent with the high turnover in the county jail system. Thus, the annual number of releases in the rural county jails seems to be closely related to the annual number of admissions. Admissions data for the state prisons was not available, thus this analysis was conducted only for the county jails.

Figure 1 below summarizes the projections for state and county releases for the study period, across all rural counties combined. This figure shows a basically flat projected trend in releases of rural county jail inmates over the next five years. Thus, there are no dramatic changes projected in releases of rural county jail inmates. Turning to state prison inmates, the projected trend is for a slow but steady increase in releases of state inmates to rural counties. This continues the documented trend of increases in releases of state prison inmates to rural counties over the previous five years, upon which these projections were based. The most plausible explanation for this increase is that the approval rate of state inmates applying for parole has shown a similar slow but steady increase. The parole approval rate had dipped to 52% in 2008 and 51% in 2009 due to the moratorium on parole imposed by then Governor Rendell in response to the murder of a Philadelphia police officer by a parolee in September 2008<sup>7</sup>. Since then, the parole approval rate has increased to 61% in 2012<sup>8</sup>. PADOC and PBPP have also been

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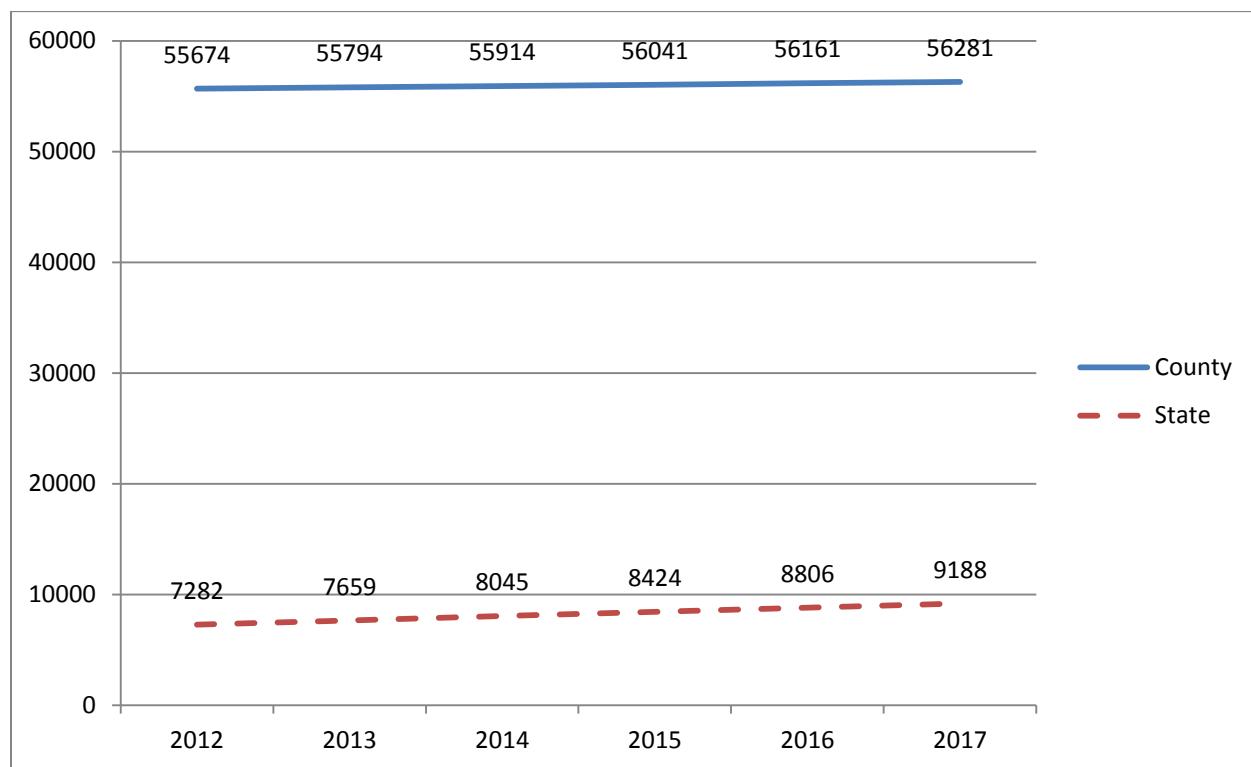
<sup>7</sup> See: "Pa. ends moratorium on parole for violent felons." USA Today. December 1, 2008.

[http://usatoday30.usatoday.com/news/nation/2008-12-01-2116996479\\_x.htm](http://usatoday30.usatoday.com/news/nation/2008-12-01-2116996479_x.htm)

<sup>8</sup> Data and explanation on parole decisional rates supplied by Fred Klunk, Director, Statistical Reporting and Evidence-Based Program Evaluation Office, PA Board of Probation and Parole.

making efforts to expedite the actual release of inmates from state prison once they have been approved for parole. While these parole approval rates are statewide and are not available county by county, it remains a reasonable conclusion that the increase in state prison releases to rural counties can be attributed at least in part to this shift in parole decisional processes and the “rebound” in parole rates after the moratorium.

**Figure 1: Projected State and County Inmate Releases to Rural Counties - 2012-2017**



Source: Data runs supplied by PADOC & PBPP; and county jail data compiled by Zajac and Kowalski (2012). See note in methodology.

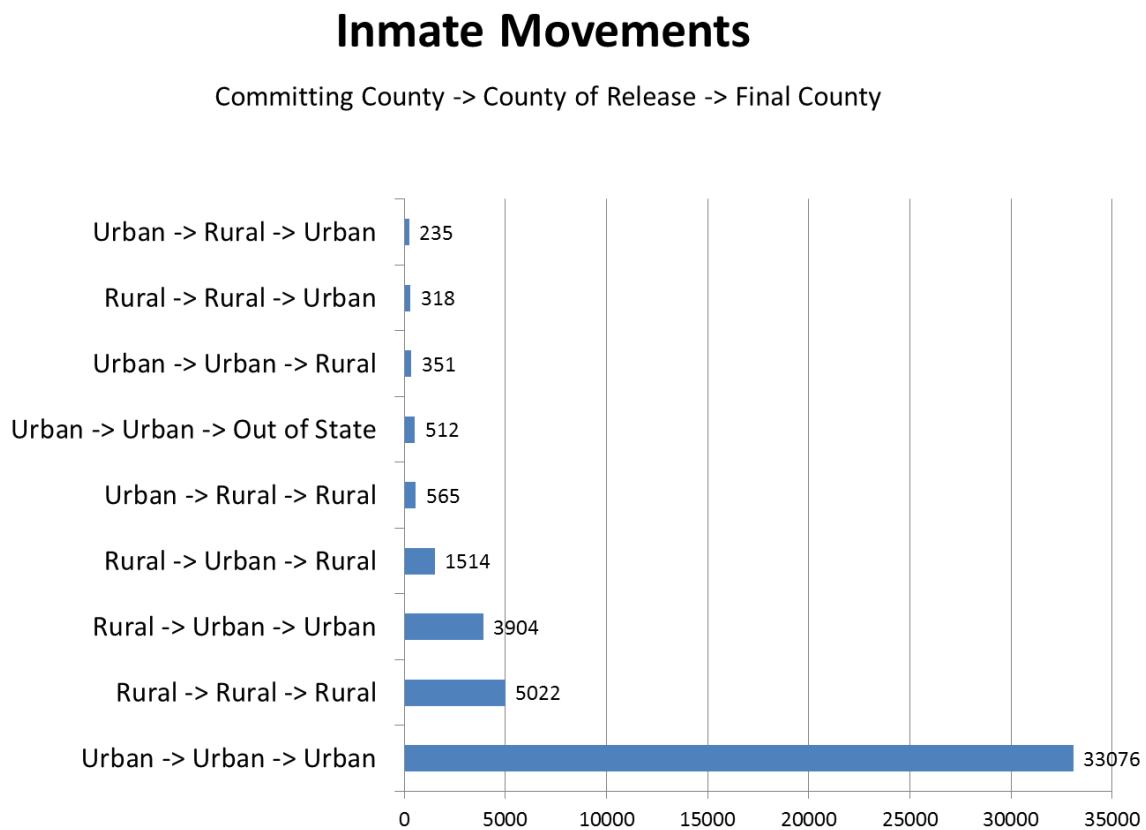
The projected steady state for rural county jail releases, and the projected increase in the release of state prison inmates to rural areas, signals that rural reentry will remain a significant issue in Pennsylvania. It bears repeating that prison/jail populations projections is fraught with

challenges, and can be susceptible to unforeseen (and perhaps unforeseeable) shifts in criminal justice policy and sentencing practices that can have significant downstream impacts on the numbers of inmates sentenced to prison/jail and thus released. The rural reentry projections conducted here represent a rudimentary start to this endeavor, and as noted later in the policy considerations, an investment in a more formal populations projections system for rural releases may yield better insight into how the rural reentry burden may evolve over the coming years. The overall  $r^2$  statistic for the state prison releases (0.89) is much larger than for the county jails (0.65), suggesting that one can more confidently project release trends for state prisons than for county jails. Recalling the discussion of the difference between state prisons and county jails presented in the introduction and in Zajac and Kowalski (2012), this is perhaps not surprising as county jails hold a large number of pre-sentence detainees who are liable to be released on short notice, whereas state prisons primarily hold inmates sentenced to known terms. Thus, release trends are less stable and predictable for county jails than for state prisons.

Finally, the researchers had available to them data from the PBPP on which county state inmates were committed from, which county they were first paroled to, and their county of residence as of the time the PBPP conducted their data run for this study (summer of 2012). This data provides some insight into the extent to which state inmates from urban counties are paroled to rural counties, and vice versa. Figure 2 below summarizes this. As can be seen, in the vast majority of cases, a state inmate who was committed from an urban county is first paroled back to an urban county, and remains in an urban county (although there may be transfers between urban counties not accounted for here). Similarly, most state inmates committed from a rural county are initially paroled back to a rural county, and remain in a rural county (although there may be transfers between rural counties not accounted for here). Moreover, there are far more

cases of state inmates committed from rural counties being paroled to urban counties than of state inmates committed from urban counties being paroled to rural counties. This analysis indicates that rural reentry is a relatively self-contained process, with state inmates being paroled to the same type of county from which they came (of course, the same could be said for urban reentry). It should be noted that this analysis applies only to state parole releases, not to state inmates who are maxing out (no data is available on exactly where they return to). Also, the county from which a state inmate is committed is not always the county where the inmate was living, but instead is the county where the inmate was convicted.

**Figure 2: Parolee Movement Between Rural and Urban Counties – 2007-2011**




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Source: Data supplied by PADO & PBPP

*Research Objective 1C: Create a demographic profile of state prison inmates likely to be released from the Pennsylvania Department of Corrections to Pennsylvania's 48 rural counties over the next five years.*

The demographic trends for released state prison inmates were projected for the period 2012 through 2017, based upon the known age, race and gender demographics of released state inmates for the period 2007-2011. The resulting table contains over 50 data fields and is too large to include in the body of this report, and thus is presented in Appendix C. But, the key trends from this table are summarized in the following paragraph and in Figures 3 through 7 below.

The percentage of minority releases is projected to continue its steady decline since its peak in 2008 at about 22.5% at a rate of about 0.5% per year. The proportion of female inmates has steadily climbed since a 2007 low of 12% at a rate of about 0.7% per year. Similar to the jail trends, the proportion of state prison releases over age 44 is expected to increase at about 0.5% per year.

*Research Objective 1D: Create a demographic profile of county jail inmates likely to be released from Pennsylvania's 43 rural county jails over the next five years.*

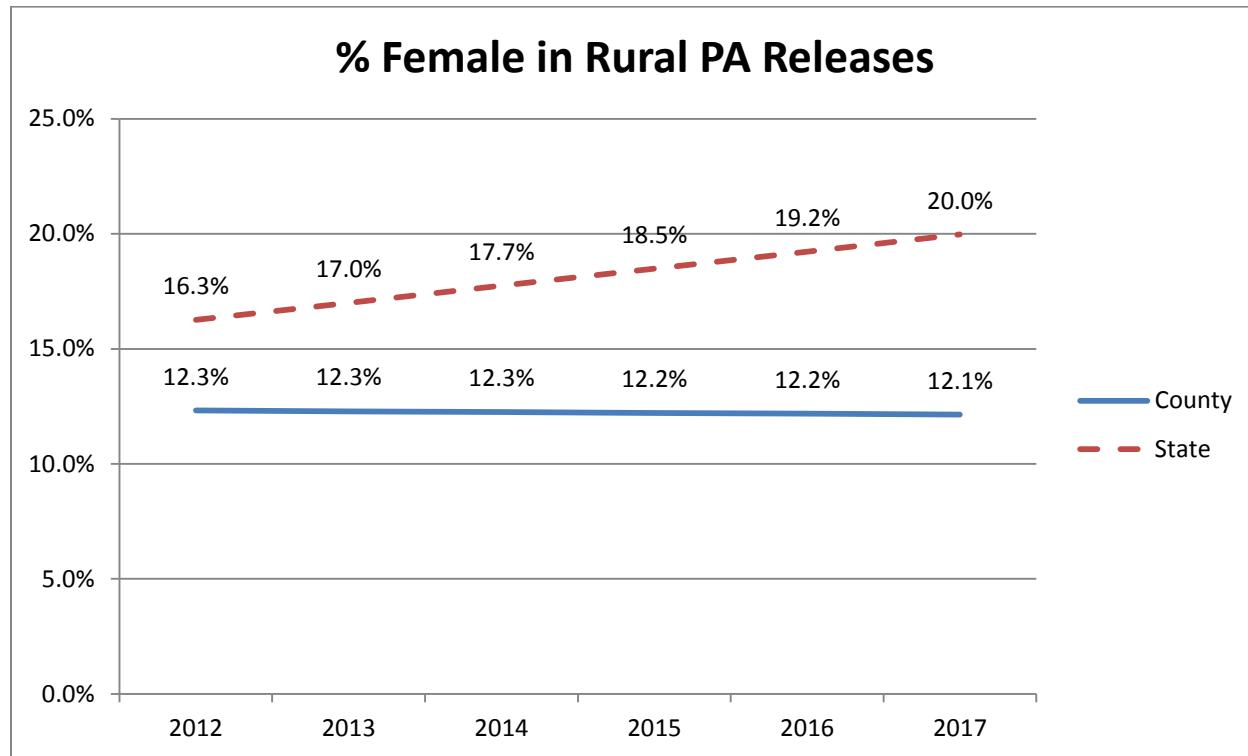
Unlike with the state prison data, for the county jail data there was no information available on the demographic breakdowns of actual inmate releases per year. Thus, the demographic trends for released county jail inmates were projected for the period 2012 through 2017, based upon the age, race and gender demographics of the in-house jail population for the period 2007-2011.

Given the high turnover of the jail population discussed earlier, it is a working assumption that inmates in jail in a given year (*population*) would be demographically similar to the inmates *released* from that jail that year. In any event, given the absence of detailed demographics on released county jail inmates, extrapolating from annual population demographics was the most feasible approach to estimating annual release demographics. The resulting table contains over 50 data fields and is too large to include in the body of this report, and thus is presented in Appendix C. But, the key trends from this table are summarized in the following paragraph and in Figures 3 through 7 below.

Based on trends since 2007, county jail releases will be increasingly composed of minority inmates, increasing at a rate of about half of 1 percent per year. The proportion of female releases is projected to remain stable, decreasing at a rate of less than 0.1% per year. According to recent trends, the age of persons released from jail will proportionally increase in the future. The proportion of county inmates under 30 is expected to decrease at about 3.5% per year while the proportion of older county inmates increases.

Taking state and county releases together, the figures below highlight several key demographic findings across all rural counties. Looking at gender, the projection is for a notable increase in the proportion of state inmates released to rural areas who are female, from 16% of all releases to 20%. The gender make-up of county jail inmates remains relatively stable. Thus, there may be a greater need for gender specific reentry services, such as child care and medical services.

**Figure 3: Females as a Percent of all Projected Rural Releases – 2012-2017**

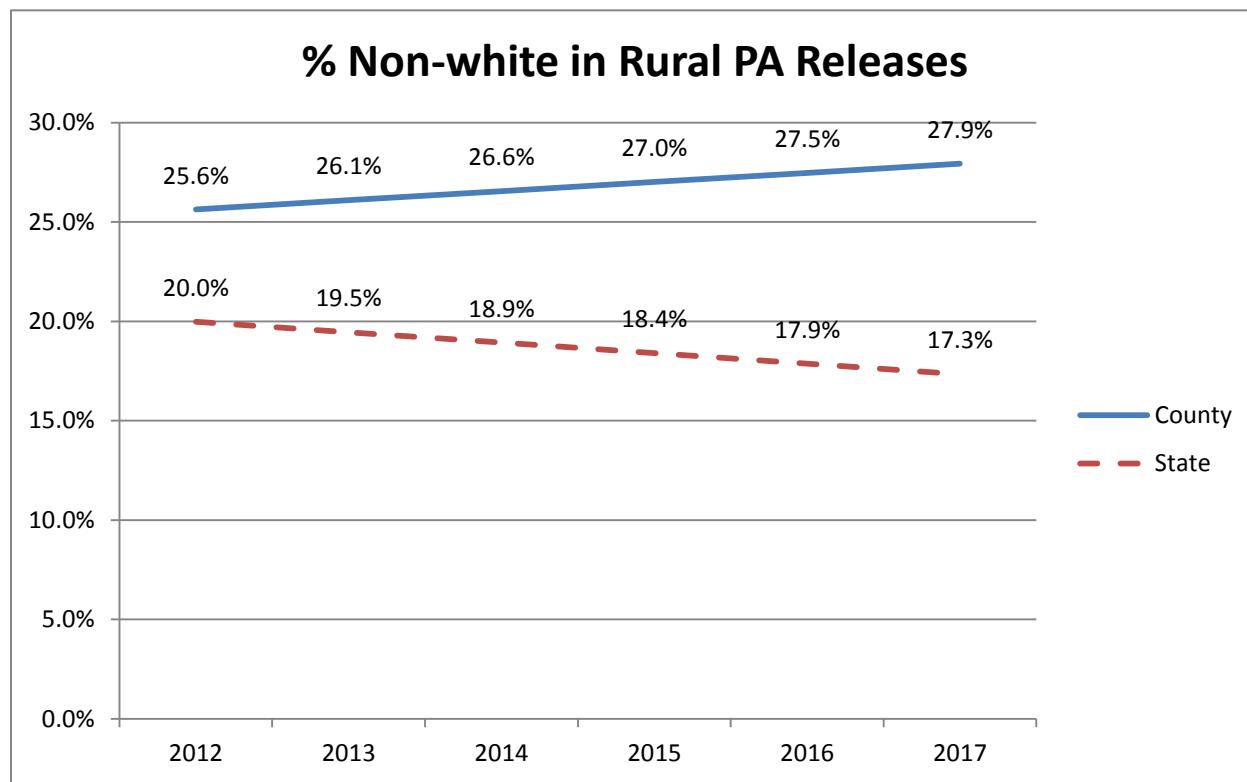


Source: Data runs supplied by PADOC & PBPP; and county jail data compiled by Zajac and Kowalski (2012). See note in methodology. Full dataset from which this chart is derived is shown in Appendix C.

Turning to race, Figure 4 below shows the projected change in proportion of non-white state and county releases to rural counties over the period 2012-2017. While more fine grained data on the racial make-up of released inmates was available and is presented in Appendix C (e.g. White, African-American, Asian, Hispanic), the vast majority of inmates returning to the rural counties are white, and most non-white racial categories other than African-American are very small in most rural counties. Thus, showing the proportion of non-white releases in Figure 4 was the most parsimonious ways of representing changes in racial demographics of state prison and county jail releases to rural counties over the next five years. As shown in Figure 4, the projection is for a small *increase* in the proportion of non-white county jail inmates released to

rural counties, accompanied by a small *decrease* in the proportion of non-white state prison inmates released to rural counties. These trends may appear to offset one another, but given that there are more county jail releases than state prison releases in any particular time period, this likely points to a slight increase in the proportion of non-white inmates being released to rural counties in the coming years. The practical implications of this trend are unclear, given that most of the inmates returning to these rural counties likely came from those same counties (see Figure 2 above).

**Figure 4: Non-Whites as a Percent of all Projected Rural Releases – 2012-2017**

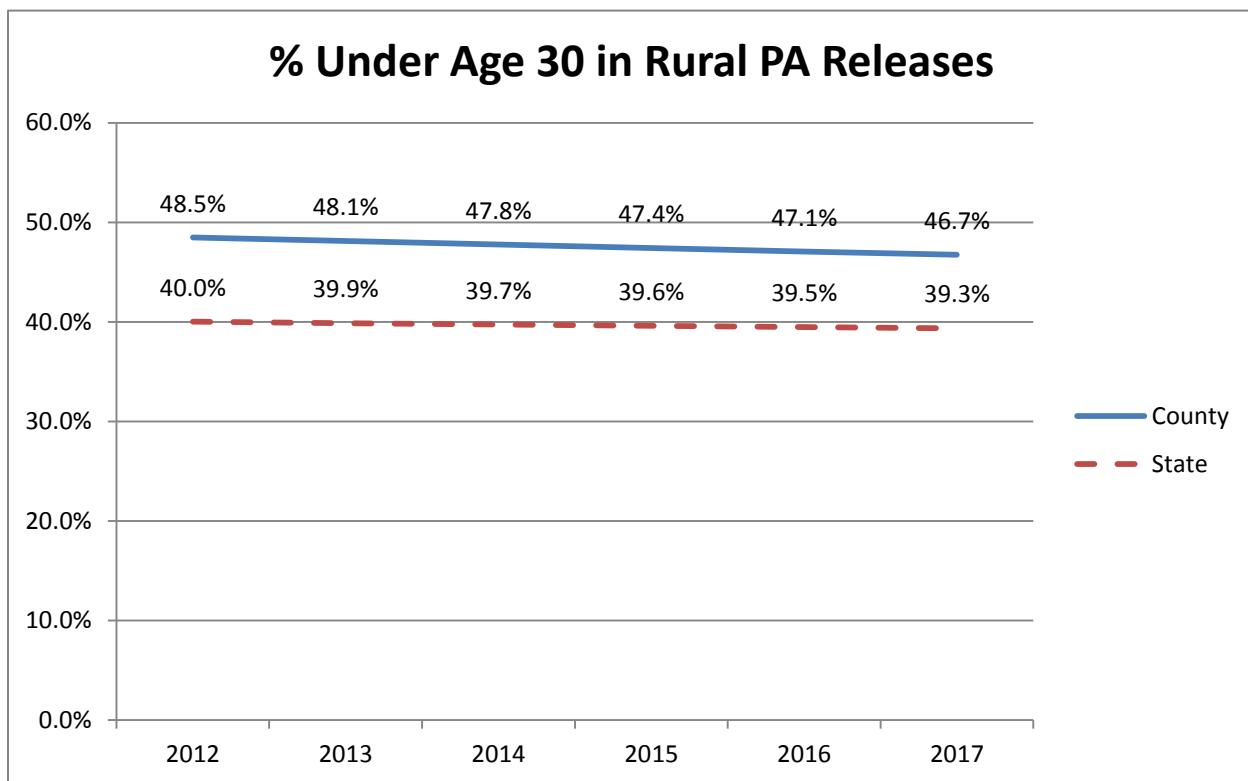


Source: Data runs supplied by PADOC & PBPP; and county jail data compiled by Zajac and Kowalski (2012). See note in methodology. Full dataset from which this chart is derived is shown in Appendix C.

Turning to age demographics, the following three figures present a profile of the projected changes in the ages of state and county inmates returning to rural counties. Again, as shown in Appendix C, the researchers grouped age into nine categories, which as driven by the age categories which were available for the county jail inmates (specific dates of birth were not available for this dataset). The age demographics for the state prison inmates were computed from the dates of birth supplied by the PADOC and fitted to these nine categories. These nine categories were then reduced to the three groupings shown in Figures 5 through 7 below, representing a younger (under age 30), middle range (age 30 to 44) and older (age 45 and above) groups of inmates.

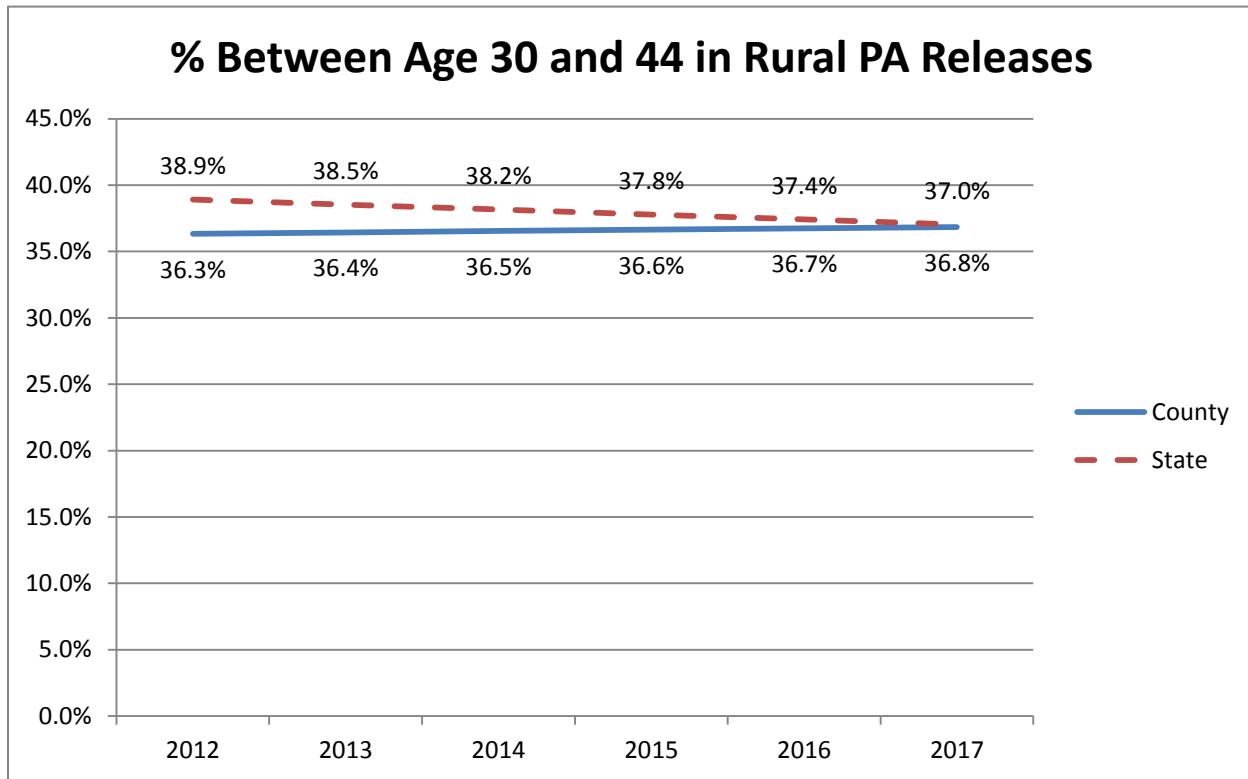
As shown in these three figures, there is a projected slight decrease in the proportion of younger inmates to be released from both state prisons and local jails over the next five years. Looking at the middle age range, there is a projected very slight decrease in the proportion of state inmates in this age group being released over the next five years, combined with a very slight increase in the number of county jail inmates being released. Thus, in the middle age range the projection is for a steady state in releases over the next five years. Looking at the older age grouping, the projection is for a steady increase in the number of older inmates being released from both state prisons and county jails. This corresponds to the growing concern that is expressed over the aging of the prison population nationally, with increasing numbers of older individuals behind bars (Human Rights Watch, 2012). From the point of view of reentry, this may speak to the need for additional services focused on the needs of older populations, such as advanced medical care, specialized job training, housing support and assistance with activities of daily living.

**Figure 5: Under Age 30 as a Percent of all Projected Rural Releases – 2012-2017**



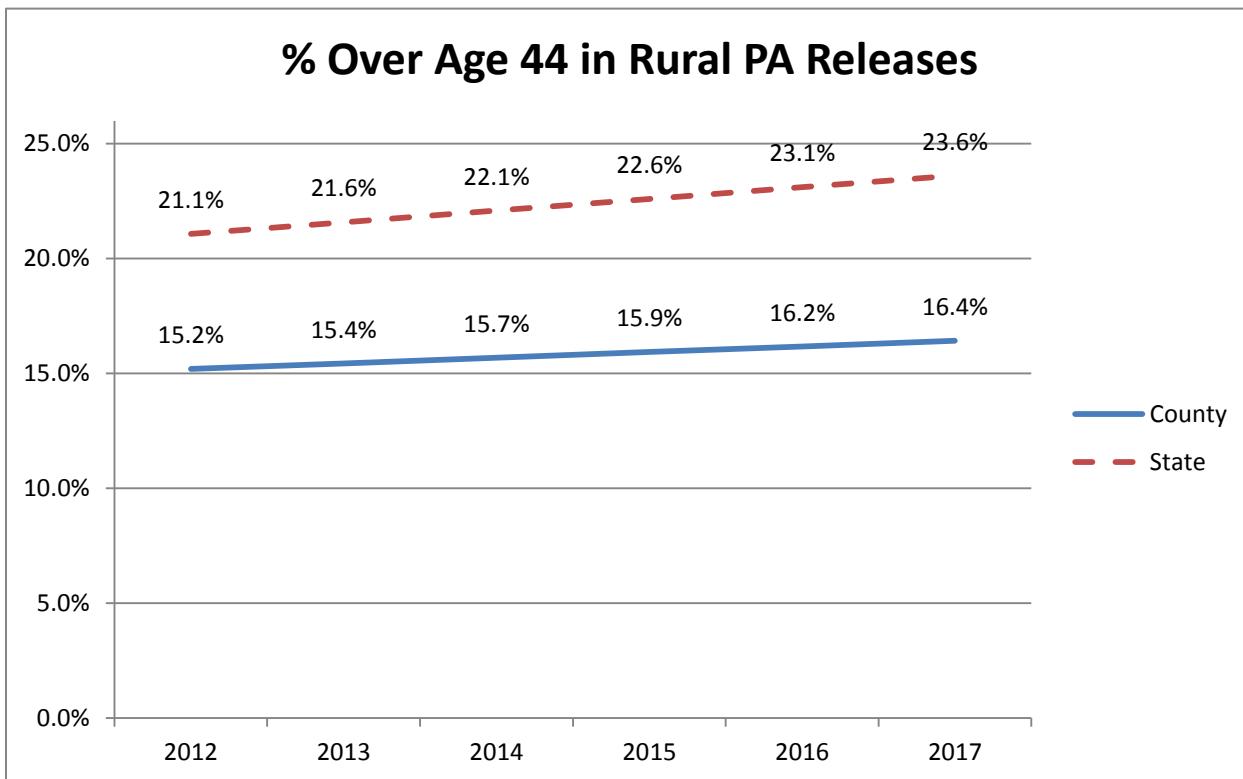
Source: Data runs supplied by PADOC & PBPP; and county jail data compiled by Zajac and Kowalski (2012). See note in methodology. Full dataset from which this chart is derived is shown in Appendix C.

**Figure 6: Ages 30 to 44 as a Percent of all Projected Rural Releases – 2012-2017**



Source: Data runs supplied by PADOC & PBPP; and county jail data compiled by Zajac and Kowalski (2012). See note in methodology. Full dataset from which this chart is derived is shown in Appendix C.

**Figure 7: Over Age 44 as a Percent of all Projected Rural Releases – 2012-2017**



Source: Data runs supplied by PADOC & PBPP; and county jail data compiled by Zajac and Kowalski (2012). See note in methodology. Full dataset from which this chart is derived is shown in Appendix C.

In sum, with the exception of releases of female state inmates and older inmates from both the state and county levels, both of which are projected to show a modest increase, there are few remarkable trends in the projected demographics of inmates to be released to rural areas over the next five years. For most demographic categories, few if any changes are projected, and most changes are projected to be gradual.

**Second Research Goal: Review the risk and protective factors affecting successful prisoner reentry in rural Pennsylvania.**

*Research Objective 2A: Review what the general criminological literature reports about key risk and protective factors influencing offender reentry, as well as challenges and issues surrounding reentry in general and specifically in rural settings.*

**Introduction**

The following literature review aims to provide an overview both of what is known about the return of inmates to the community, especially rural communities, and a discussion of effective, evidence-based approaches to reentry regardless of rural or urban setting. This review begins with a discussion of basic principles of offender rehabilitation and reentry, including a discussion of some of the key findings from some major evaluations of reentry programs. Next is a discussion of key factors that promote or hinder offender reentry. Finally, this section reviews the relatively more limited literature on reentry within rural communities.

Reentry can be defined as the process of leaving jail or prison and returning to the community (Soloman, Osborne, LoBuglio, Mellow, & Mukamal, 2008). This process begins at intake/admission and extends past the inmate's time of release to assist inmates with a successful long-term post-release (LaVigne, Davies, Palmer, & Halberstadt, 2008). There are several principles which have been deemed effective in promoting successful reentry and decreasing re-offense rates, such as assessing actuarial risks and needs, targeting interventions according to the risk, needs, and responsivity principles, using cognitive-behavioral methods, and more.

**Assessing and Treating Risk and Needs.**

When assessing offenders, the focus should be on their criminogenic ("crime-producing") needs. Criminogenic needs are factors related to offending which can be changed. These

include anti-social attitudes, beliefs, and values (e.g. rationalization- “everybody does it, so what’s the problem”, minimization- “nobody got hurt, so it’s OK), criminal thinking/self-efficacy (e.g. “I’m too smart to get caught”), anti-social associates (e.g. “my buddy knew a store that didn’t lock its doors, so we decided to rob the place”), poor decision making/problem solving skills (e.g. “I need money to send my kid to a private school, so I sold drugs”), low levels of educational/vocational achievement, poor self-control/self-regulation (e.g. “I got frustrated with my probation officer, so I said to hell with it, I don’t care about nothin’ anymore.”), and substance abuse.

Risk is the probability that offender will commit additional offenses. Risk in this context does not attend to the potential danger represented by a given act of reoffending (i.e. murder versus a simple theft), but simply estimates the likelihood that an offender will commit *any* new offense. Criminogenic needs are the specific problems or issues that contribute to an offender’s criminally deviant behavior. Research indicates that correctional treatment programs that conduct thorough, rigorous and objective assessment of offenders and use the assessment information to inform treatment planning decisions have much better outcomes than programs that do not do such assessment. Research also shows that using objective instruments to assess risk and needs is much better than unaided clinical judgment alone in making treatment decisions (Andrews & Bonta, 2006). Assessment allows programs to target treatment resources where they will produce the best outcomes. Risk assessment provides a measure of the risk principle, which states that higher risk offenders will likely reoffend if not treated, and that low risk offenders are not likely to reoffend even without treatment (Andrews & Bonta, 2006). Low risk offenders should receive minimal, if any, treatment because treatment is usually wasted on them and high intensity treatment may increase a low-risk offender’s risk level through association

with more serious offenders in the program setting and disruption of established protective factors such as a job that a released offender may already have in the community.

Programs that are effective work within context of empirically established theories of criminal behavior and evidence-based treatment models. Such theories of criminal behavior include social learning and self-control theories. Evidence-based treatment models include cognitive-behavioral approaches (Landenberger & Lipsey, 2005; Latessa, Cullen, & Gendreau, 2002; Latessa & Lowenkamp, 2006). Cognitive-behavioral models focus on how thinking and behavior are linked. These models emphasize problem solving, decision making, reasoning, self-control and behavior modification through role playing, graduated practice, and behavioral rehearsal. Those cognitive-behavioral programs that are effective attempt to alter an offender's cognitions, values, attitudes, and expectations that maintain anti-social behavior (Latessa, Cullen, & Gendreau, 2002). Those good cognitive-behavioral programs not only teach offenders more socially appropriate behaviors, but also provide them with extensive opportunity to practice, rehearse, and pattern these behaviors in increasingly difficult situations since good behaviors are often just habits. Rewards for pro-social behavior are important; therefore, rewards should greatly outweigh punishers. Every social interaction within the prison and in the community (offender-offender, offender-staff, staff-staff) provides an opportunity to model, teach, and practice pro-social skills.

Non-behavioral approaches that do not work are drug prevention/education classes (e.g. ‘Just say No!’), bibliotherapy/videotherapy (including Bible study), non-directive, client centered approaches, self-help programs (e.g. AA/NA), unstructured “talking cure” programs, introspective programs (e.g. yoga, sweat lodges), and shaming offenders (MacKenzie, 2006; MacKenzie & Zajac, 2013). Other ineffective treatment models, such as, traditional “Freudian”

psychodynamic and nondirective or client-centered therapies (e.g. talking cures, blaming parents/society), medical model approaches (e.g. changes in diet, pharmacological approaches), subcultural/labeling approaches (e.g. overcoming disadvantaged or stigmatized status within society), “punish smarter” strategies (e.g. pure military boot camps, shock incarceration), and almost any program targeting low risk offenders or non-criminogenic needs. Some famous programs that also do not work are “Scared Straight” (e.g. deterrence theory; make them fear prison), “Drug Abuse Resistance Education (DARE)” (e.g. kids don’t know drugs are bad for them, show them what their brain looks like on drugs), and “Boot Camps” (e.g. deterrence theory; build “character” and make them hate prison at the same time). The preceding overview of evidence based approaches to offender rehabilitation is well documented in the literature and is most cogently summarized by Andrews and Bonta (2003), MacKenzie (2006) and most recently by MacKenzie and Zajac (2013).

Therefore, when offenders receive inadequate treatment this can lead to struggles upon reentry. Garland, Wodahl, and Mayfield (2011) found that psychosocial adjustment was the most identified challenge for their participants within three months of their release. Psychosocial adjustment includes: a) general uneasiness or disorientation with living in the community, b) difficulties interacting with others, like family members, and c) issues adjusting to new environment. Garland et al. (2011) suggested that reentry programs need to address psychosocial adjustment since psychosocial needs follow the principles of “What Works” literature. This literature stresses how offender treatment programs are the most successful when offenders’ criminogenic needs are the focus with a cognitive-behavioral approach (Cullen & Gendreau, 2000; Gendreau, 1996; Taxman, Young, Byrne, Holsinger, & Anspach 2002).

### **Offender Rehabilitation: Risk, Need, & Responsivity (RNR).**

A key component of reentry is the treatment the offender received while incarcerated.

Whether offenders' risks and needs were addressed during incarceration significantly influences the offenders' risk of recidivating (Austin, Hardyman, & Irwin, 2002; Burke & Tonry, 2006). The Risk-Need-Responsivity (RNR) model is the most well-known for assessing and treating offenders (Blanchette & Brown, 2006; Ward, Mesler, & Yates, 2007). The RNR model was developed by Andrews, Bonta, & Hoge in 1990 (Andrews & Bonta, 2006). There are three core principles of the model. The first is the risk principle which matches the level of service to the offender's risk of recidivating. Second is the need principle and this principle assesses the offender's criminogenic needs and targets them in treatment. Lastly is the responsivity principle where the goal is to provide cognitive-behavioral treatment which focuses on the learning style, motivation, abilities, and strengths of the offender (Andrews & Bonta, 2006).

Criminogenic needs are dynamic risk factors that are connected to the offender's criminal behavior. Compared to static risk factors (e.g. criminal history, age), dynamic risk factors (e.g. employment, substance abuse, companions) are changeable and thus are appropriate targets for treatment programs. The eight major criminogenic risk factors identified by Andrews and Bonta (2006) are referred to as "The Central Eight". The first of these – criminal history – is by itself a very powerful predictor of reoffending, but it is also a static (i.e. unchangeable) factor and thus cannot be addressed through treatment. The remaining seven key risk factors are dynamic factors, and thus are amenable to being changed through treatment. These are: (1) antisocial personality pattern, (2) procriminal attitudes, (3) social supports for crime/anti-social peer associates, (4) substance abuse, (5) family/marital relationships, (6) school/work performance, and (7) prosocial recreational activities. The first four out of these eight criminogenic factors –

history, anti-social personality, criminal attitudes, anti-social peers - are called the “Central Four”, because they are the most powerful predictors of recidivism (Andrews & Bonta, 2006). These factors typically form the core of recidivism risk prediction instruments, such as the Risk Screen Tool currently used by the Pennsylvania Department of Corrections and the Level of Service Inventory, currently used by the Pennsylvania Board of Probation and Parole.

The first factor is criminal history which is the comprehensive history of the offenders' criminal activity. Second is an antisocial personality pattern which is identified by impulsive, adventurous pleasure seeking activities that can be treated through building the offender's self-management skills and teaching anger management. Third are procriminal attitudes that are indicated by the offender providing rationalizations for crime and negative attitudes towards the law. Fourth is social supports for crime which is identified by the number of criminal friends and isolation from prosocial friends (Andrews & Bonta, 2006). Fifth is substance abuse indicated by the offender's abuse of alcohol and/or drugs which can be addressed by discussing alternatives to substance abuse. Sixth are family/marital relationships which are identified by the offender's inappropriate parental monitoring and disciplining, as well as poor family relationships. Seventh is school or work indicated by the offender's poor performance and employers' dissatisfaction. The last major criminogenic need is prosocial recreational activities which are identified by the offender's lack of involvement in prosocial recreational activities (Andrews & Bonta, 2006).

The seven dynamic risk factors, or needs, can be addressed using cognitive behavioral therapy (CBT). For these needs, CBT would focus on restructuring the offenders' thinking by practicing thought stopping and replacement (e.g. cutting off antisocial and dysfunctional thinking), having offenders' write thinking reports to help them understand thinking errors, and

flexible thinking (e.g. disrupting rigid thought patterns). CBT would also address these needs by focusing on how offenders' think through building their cognitive skills by role playing and behavioral rehearsal (e.g. new attitudes and skills must be practiced), focusing on high risk people, places, situations, and things, developing social skills (e.g. communication and interpersonal skills), focusing on antisocial associates (e.g. disrupt the delinquency network), and providing reinforcements and punishments for offenders' behavior. In sum, the RNR model has been successfully applied to female offenders (Blanchette & Brown, 2006; Dowden & Andrews, 1999a), mentally disordered offenders (Andrews, Dowden, & Rettinger, 2001; Bonta et al., 1998), offenders from a variety of socio-economic backgrounds (Andrews et al., 2001), young offenders (Dowden & Andrews, 1999b), and sex offenders (Hanson, 2006; Hanson & Bourgon, 2007).

### **Cognitive Behavioral Treatment (CBT).**

There are two main approaches found with cognitive-behavioral therapy (CBT) programs in general: cognitive restructuring and cognitive skills development. First, cognitive restructuring is concerned with the *content* of thinking- *what* the offender thinks and values (e.g. their attitudes towards their own criminal behavior). The primary focus is on anti-social attitudes, values, and beliefs. Programs that target cognitions include widely used, well-established models such as: *Criminal Attitudes Program*, *Rational Emotive Therapy*, and *Moral Reconation Therapy* (Simourd, 1997; Ellis, 1962; Little & Robinson, 1986). Cognitive restructuring programs are more introspective and challenge the personality of the offender. These approaches can be more confrontational, but recent advances with Motivational Interviewing offer a more subtle approach. Second, cognitive skill building concerns the *process* of thinking - *how* the offender think. The primary focus here is on problem solving, decision

making, coping, and self-regulation. Programs that target skills development include widely used, well-established models such as: *Problem Solving, Reasoning and Rehabilitation*, *Changing Offender Behavior*, and *Aggression Replacement Therapy* (Taymans & Parese, 1998; Ross & Fabiano, 1985; Lowenkamp, Spruance, & Latessa, 2003; Goldstein, Glick, & Gibbs, 1998).

The most common elements of CBT programs are role playing & behavioral rehearsal (e.g. new attitudes and skills must be practice), thinking reports (e.g. helps offender to understand thinking errors), thought stopping & replacement (e.g. cutting off antisocial and dysfunctional thinking), focus on high risk people, places, and situations and things, special focus on antisocial associates (e.g. disrupt the delinquency network), social skills (e.g. communication and interpersonal skills), flexible thinking (e.g. disrupting rigid thought patterns), role modeling (e.g. staff provide behavioral examples), and contingency management (e.g. reinforcers and punishers). CBT programs are effective, several meta-analyses show positive effects with both juvenile and adult offenders and reductions in recidivism is upwards of 20% (Landenberger and Lipsey, 2005; Wilson, et al., 2005).

### **Risk and Protective Factors.**

Risk and protective factors are an important part of the discussion of offender reentry, with risk factors being variables that jeopardize successful reentry, and protective factors being variables that facilitate reentry. These factors can operate at the level of society (e.g. economic opportunities and other structural issues) and the level of the individual offender (e.g. offender attitudes towards law abiding behavior). Societal level structural factors widely cited as being critical to reentry include jobs, housing, and community based social services such as drug treatment (Petersilia, 2003; Solomon et al., 2008). For example, offenders who return home are

more likely to commit crimes if they do not find housing upon release (Center for Housing Policy, 1996). Research also points to the importance of individual level factors, such as offender anti-social attitudes and criminal peers (Bucklen & Zajac, 2009). For example, studies have identified key individual level protective factors, such as prosocial attitudes, coping and decision-making skills, as very important to success on parole (Bucklen & Zajac, 2009; MacKenzie, 2006; O'Reilly, Dean, & Moreno, 2001).

Therefore, each inmate needs his or her own individualized release plan in order to have higher reentry success rates (Burke & Tonry, 2006). A release plan is a piece of the broader process of reentry planning that concerns the inmate's success at the time of release and the days that follow (LaVigne, Davies, Palmer, & Halberstadt, 2008). There are several components of the release plan: basic needs (e.g. transportation, food and clothing), housing, employment and education, health care (e.g. substance abuse, mental illness), and support systems.

### **Employment.**

Employment is posited as perhaps the most critical variable in the reentry equation, with some studies finding employed parolees are up to three times more likely than unemployed parolees to remain arrest free (Meredith, Speir, & Johnson, 2007). Some program evaluations have found that employment success interacts significantly with treatment program effects to reduce recidivism (Welsh, 2007). Given the importance of work, numerous reentry studies and reports have expanded upon the extreme difficulty of securing employment during the reentry process (Brooks, et al., 2006; Center for Policy Research, 2006; Good and Sherrid, 2005; La Vigne and Kachnowski, 2005; La Vigne, et al., 2004; Petersilia, 2003; Solomon, et al., 2006; Travis, 2005; Visher and Courtney, 2006). This literature also typically argues that when employment is found, it is primarily low-skilled, low-wage, "dead-end" work (Heinrich, 2000;

Holzer, et al, 2003). Some studies have found unemployment rates of upwards of 50% for recently released offenders (La Vigne, et al., 2004; Visher and Kachnowski, 2007). More often, though, little empirical data is offered. Instead, the difficulty of securing employment seems to be taken a priori as a key reentry challenge (Good and Sherrid, 2005). While some attribution for low employment rates is given to offender attitudes, behaviors and other individual attributes such as low education levels and mental health status (Blitz, 2006), factors external to the offenders themselves are often identified as prime determinants of employment outcomes (Independent Committee on Reentry and Employment, 2006; Kaplan, 2007; Pawasarat, 2007; Stafford, 2006). These factors include lack of available jobs, reluctance of employers to hire convicted felons, laws barring felons from working in various fields (e.g. health care, law, child care, cosmetology and other professions) inadequate prison-based programs designed to prepare offenders for the job search, poor public transportation and even prosaic issues such as lack of a drivers license or other photo ID. Essentially, the ex-offender employment problem is characterized largely as one of resource deprivation – there simply are not enough jobs and related support services available to meet the demands of inmates reentering society (Brooks, et al., 2006; Center for Policy Research, 2006).

Given that explanations for the reentry employment problem typically center around structural issues of job availability, employer attitudes and vocational training, policy responses offered as solutions tend to center on initiatives designed to create jobs, to offer incentives to hire ex-offenders and to provide job training either inside prison or immediately after release. Specific proposals include subsidies for employers to hire ex-offenders, federal funds to support transitional jobs, revisions of legislation barring offenders from certain occupations, prohibitions on asking about criminal history on job applications and enhanced vocational training and job

readiness programs for currently incarcerated and ex-offenders (Henry and Jacobs, 2007; Independent Committee on Reentry and Employment, 2006; Kaplan, 2007; Pawasarat, 2007; Petersilia, 2003; Stafford, 2006; Travis, 2005).

### **Housing.**

Housing is seen as another key need for re-entering offenders. As with employment, much of the writing on reentry posits extreme difficulties faced by ex-offenders in finding safe, affordable housing (Brooks, et al., 2006; Clark, 2007; Good and Sherrid, 2005; Petersilia, 2003; Solomon, et al., 2006; Travis, 2005; Visher and Courtney, 2007). Estimates of parolee homelessness have ranged from 12% to upwards of 50% (Metraux and Culhane, 2004; Roman and Travis, 2004). Once again, barriers to ex-offender housing are commonly seen as structural, such as lack of affordable housing stock, reluctance of landlords to rent to former prisoners, community opposition (especially in the case of sex offenders) and most notably legal restrictions on felons seeking public housing. Other researchers, though, acknowledge that much remains to be learned about the housing situation of released offenders, and that estimates of homelessness among this population are not well established (Petersilia, 2003).

The reentry research also notes the importance of family and friends in providing housing for ex-offenders, especially in the immediate post-release period. This too has its limitations, as parole officials may block parolees from residing with family and friends who themselves have criminal records. Indeed, considering that association with criminal others is a primary risk factor for recidivism (Andrews and Bonta, 2003), such housing arrangements may objectively not be in the best interests of the parolee, even with homelessness as the primary alternative. Policy responses to the problem of ex-offender homelessness, in spite of the imprecision of the understanding of this problem, have included supportive housing placements for returning

prisoners and efforts to assist families in their attempts to provide housing and support to ex-offenders, exemplified in the La Bodega de la Familia program in New York City (Travis, 2005). States such as California have also implemented efforts such as the Preventing Parolee Crime Program (PPCP). Again, these responses focus largely on addressing structural barriers to housing for released offenders. The PPCP is a multi-dimensional program that's goal is to reduce the recidivism rates of parolees by providing them with services to facilitate a successful reintegration for them (Office of Justice Programs, 2013).

There have been very few reentry programs that have been evaluated as stringently as Project Greenlight. Based on the “What Works” literature, Project Greenlight was a short-term prison-based reentry program run through the New York State Department of Correctional Services and New York State Division of Parole (Wilson, 2007). The program was eight weeks long that included cognitive-behavioral skills, training, employment, housing, drug education and awareness, family counseling, and more (Wilson et al., 2005). Surprisingly, participants of Project Greenlight performed worse on all measures of recidivism at both 6 months and 12 months after release compared to the other two groups with one of those groups not receiving any pre-release services (Wilson, 2007). Overall, the problems identified with Project Greenlight were shortcomings in how well the program was implemented, failure to identify high-risk offenders through valid risk and needs assessments, and the program was attempting to accomplish too many goals in too short a time frame (Latessa & Lowenkamp, 2006; Marlowe, 2006, p.342; Rhine, Mawhorr, & Parks, 2006; Wilson & Davis, 2006). The evaluation of Project Greenlight demonstrates how reentry programs still have many areas to improve upon, such as promoting high quality implementation and providing adequate time to cover the topics included in the program (i.e. not rushing clients through the program).

## Rural Reentry

Compared to offenders reentering urban areas (Brooks et al., 2005; LaVigne et al., 2004; Visher, Kachnowski, LaVigne, & Travis, 2004), the offenders reentering rural areas have different challenges to overcome. Wodahl (2006) described how rural areas do not have access to certain private and public services like those available in urban areas (e.g. health care services, government services; Murray & Keller, 1991), are economically limited due to relying on farming or tourism (Ghelfi & McGranahan, 2004), tend to have higher levels of acquaintance density (average number of people in a community known by everyone in the community; Freudenburg, 1986), have more physical privacy than social privacy (Weisheit & Wells, 1996, p.384), and have distinct cultural characteristics, such as not wanting the government involved in their lives (Conger, 1997; Weisheit & Donnermeyer, 2000). In turn, jails located in rural areas tend to contribute to these challenges. Rural jails are funded by a disadvantaged tax base, which leaves the jails with fewer resources to operate, hire and retain employees, and provide programming (Zajac & Kowalski, 2012; Ruddell & Mays, 2006; Wodahl, 2006). Therefore, these rural jails tend to lack referral services for mental health treatment, employment, housing, and more (Solomon et al., 2008).

Rural reentry in Pennsylvania is no different. Not only do the offenders have few services to choose from, but offenders also face restrictions when looking for a job or place to live. In Pennsylvania, there are employment restrictions for those with criminal records. In several occupations, a criminal background check is required, but in other occupations' employers can utilize a criminal background check at their discretion. One major restriction in Pennsylvania for returning offenders is “working with children”. The Child Protective Services Law (CPSL) states that anyone who has a “significant likelihood of regular contact with

children” is required to have a background check (23 Pa. C. S. § 6344.2). Offenses prohibited under the CPSL are

“Individuals with founded child abuse reports within the last five years or with convictions for homicide, aggravated assault, kidnapping, rape, various sex crimes, prostitution felonies, concealing death of child, endangering welfare of child, or pornography ever, or for drug felonies within the last five years (Community Legal Services Inc., 2011, p.9).”

In addition, there are several occupations where employers are prohibited by law from hiring offenders in Pennsylvania, such as, aircraft/airport employees, bank employee, nursing home worker, private detective, and more (see Appendix D). There are also certain occupations which require a license to work and several licensing boards are required to consider convictions when making their final licensing decisions. In Pennsylvania, the following licensing boards may or do consider convictions: accountant, barber, casino employee, dental hygienist, funeral director, mortgage broker, occupational therapist, and more (see Appendix D). Overall, offenders being released from urban jails also face similar employment restrictions, so the issue of employment restrictions applies to all offenders.

Along with employment restrictions, there are also housing restrictions in Pennsylvania which offenders returning from rural jails face too. In Pennsylvania, each county has its own restrictions for returning offenders and offenders can learn about these restrictions by calling their county’s housing authority office (Pennsylvania Association of Housing & Redevelopment Agencies, <http://www.pahra.org/housing.html>). However, all counties utilize Title 24 of the Code of Federal Regulations, the Housing and Urban Development’s (HUD) Part 5-General

HUD Program Requirements/Waivers as a guide; specifically Subpart I *Preventing Crime in Federally Assisted Housing-Denying Admission and Terminating Tenancy for Criminal Activity or Alcohol Abuse* and Subpart J *Access to Criminal Records and Information*. The statutes in these sections outline the process for screening and evicting those with criminal backgrounds or found engaging in criminal activity at the residence; for instance, in Subpart I statue 5.855 ‘*When am I specifically authorized to prohibit admission of individuals who have engaged in criminal activity?*’ states “a) you may prohibit admission of a household to federally assisted housing under your standards if you determine that any household member is currently engaging in, or has engaged in during a reasonable time before the admission decision: 1) drug-related criminal activity, 2) violent criminal activity, 3) other criminal activity that would threaten the health, safety or right to peaceful enjoyment of the premises by other residents, and more” (Electronic Code of Federal Regulations, 2012, [http://ecfr.gpoaccess.gov/cgi/t/text{textidx?c=ecfr&tpl=ecfrbrowse/Title24/24cfr5\\_main\\_02.tpl}](http://ecfr.gpoaccess.gov/cgi/t/text{textidx?c=ecfr&tpl=ecfrbrowse/Title24/24cfr5_main_02.tpl})).

There are also certain restrictions for sex offenders, such as Subpart I statue 5.856 ‘*When must I prohibit admission of sex offenders?*’ states “you must establish standards that prohibit admission to federally assisted housing if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. In the screening of applicants, you must perform necessary criminal history background checks in the State where the housing is located and in other States where the household members are known to have resided” (Electronic Code of Federal Regulations, 2012, [http://ecfr.gpoaccess.gov/cgi/t/text{textidx?c=ecfr&tpl=ecfrbrowse/Title24/24cfr5\\_main\\_02.tpl}](http://ecfr.gpoaccess.gov/cgi/t/text{textidx?c=ecfr&tpl=ecfrbrowse/Title24/24cfr5_main_02.tpl})).

## **The Unknown of Rural Reentry**

Due to the minimal research available on rural reentry, there are still gaps to be filled on rural reentry (Garland et al., 2011; Wodahl, 2006). The existing literature on rural offender reentry is still often silent about services (e.g. transportation, education, health care) are actually available in rural areas for offenders. As presented later, though, the current contributes to filling in some of these gaps in knowledge for rural reentry in Pennsylvania.

Transportation is a major gap that needs to be filled in rural reentry. The majority of the research on reentry focuses on employment and housing being the two main objectives for offenders when they are released (Solomon et al., 2008). However, in order to visit an apartment that is available to rent or to go to work, transportation is needed for those offenders to achieve goals such as employment and housing. Without transportation, the offender is left with minimal options. Garland et al. (2011) described how their participants still did not have transportation 3 months after release and had to either rely on a friend or use a bicycle to navigate around town. Overall, transportation could be described as the key to an offenders' post-release success because an offender needs to be able to get to and from work, meet with his or her parole officer, attend substance abuse meetings, go to the doctor, go to the grocery store, etc.

Education is another gap in the rural reentry research. Many offenders reenter society and find themselves lacking educational skills that are critical for most jobs (Richie, 2001). If GED classes were unavailable to offenders in rural jails, what resources would rural areas have available to the offender upon release? Would there be a GED testing center available in the offender's town or would the offender need to travel? These and related questions need to be addressed in rural reentry research.

Healthcare is yet another gap in the rural reentry research. The healthcare resources available to offenders in rural areas range from none to a few (Wodahl, 2006). Leukefeld et al. (2002) described how rural areas tend to be more isolated from mental health treatment centers which leaves residents to continue to struggle with their mental illnesses. Cruser, Sperry, and Harper (2000) suggested utilizing technology to access rural areas, such as conducting counseling sessions through interactive video technology. It has been reported that residents of rural areas live, on average, 13 miles from mental health centers (Drug and Alcohol Services Information System, 2002). Therefore, when an offender is released after consistently being medicated while incarcerated, how well will he or she function without medication or treatment due to resource issues? The issue of healthcare needs to be addressed in rural reentry, especially when many healthcare services are unavailable in rural areas and a large number of offenders need continued medication and/or treatment post-release to be successful (Wodahl, 2006).

Homelessness is another issue in rural reentry which needs more attention. There are several factors which may cause rural homelessness, such as low wages, poverty, lack of affordable housing, and more (Family Justice, 2009). The Rural Poverty Research Center described how the homeless in rural areas tend to be white, female, married, and employed compared to the homeless in urban areas (Fisher, 2007). How homelessness is defined (e.g. living on the streets, having to live with family or friends, living in a shelter, or living in substandard housing) tends to effect offenders the most since this influences what resources can be made available to them (Family Justice, 2009). Rural homelessness is “often precipitated by a structural or physical housing problem jeopardizing health or safety” (Family Justice, 2009, p.12). Therefore, the issue of homelessness in rural reentry still needs to be explored, such as what resources, if any, are available to the homeless in rural areas?

Overall, even though employment and housing tend to be the most researched areas in reentry, these two issues still need to be explored in rural reentry. In the national context, rural areas tend to rely on one major economic source, such as farming, which leaves offenders with even fewer employment options (Wodahl, 2006). Housing is also a prevailing issue in rural areas because affordable and quality rental properties are usually unavailable (Housing Assistance Council, 2003). It has been suggested that rural areas will need to work with local government agencies and community organizations to create housing options for offenders reentering into their communities (Wodahl, 2006). Therefore, employment and housing still need to be explored in rural reentry in order to discover better options for offenders post-release.

In sum, offenders reentering rural areas experience unique challenges compared to offenders reentering urban areas. However, rural jails and/or prisons are capable of making improvements to provide a better transition for their offenders (Wodahl, 2006). Overall, these challenges can be alleviated as research in rural reentry progresses over time.

*Research Objective 2B: Examine and document the critical rural reentry challenges as indicated by key corrections officials at the state and county levels in Pennsylvania.*

As discussed in the Methodology section, this study conducted interviews with key state corrections officials asking for their input about key reentry challenges facing inmates being released from state custody, using the interview schedule contained in Appendix A. A similar self-administered survey was used for the 44 county jails wardens, using the survey contained in Appendix B. Both the interview schedule and survey instrument asked about reentry challenges in key domains including employment, housing, family support, health services, treatment services, transportation and other key areas.

Table 3 next presents the mean scores for each item, reported for all respondents pooled together, and also broken out by the state corrections officials and county wardens. Following this table is discussion of highlights from these findings.

**Table 3: State Corrections Officials and County Jail Wardens Ratings of Rural Reentry Topic Areas as Key Challenges (1 = No Challenge; 10 = Very Significant Challenge)**

Reentry Topic	County Mean	State Mean
Job opportunities available to returning inmates	7.17	7.69
Wages available to returning inmates	6.46	7.42
Employer receptivity to hiring returning inmates	6.13	7.17
Employment restrictions for “hard to place” offenders	8.00	9.54
Job training provided & available to returning inmates	6.71	7.55
“Soft skills” of employment (i.e. find & keep a job)	5.71	6.75
Availability of housing for returning inmates	6.48	6.08
Cost of housing	6.52	6.00
Housing restrictions for “hard to place” offenders	7.79	8.50
Ability of families to provide support	4.96	5.08
Support given to families to assist returning inmates	5.46	7.25
Parenting duties facing returning inmates	5.71	7.00
Deficits in key life skills (e.g. time/money management)	6.42	6.42
Availability of treatment services and programs in your county	5.13	8.50
Availability of & access to medical health services	4.56	5.30
Availability of & access to mental health services	4.96	7.92
Ability to pay for health services in rural areas	5.27	8.13
Transportation availability	5.81	8.75
Thinking errors (e.g., antisocial attitudes) & emotional readiness	6.59	7.33
Antisocial peers	6.39	6.40

Source: Interviews with 13 state corrections officials and survey administered to 24 rural jail wardens.

Note: Shaded columns indicate a statistically significant difference (at least p<0.05)

The first thing to note about the findings presented in Table 3 is the considerable degree of consistency between the responses provided by state and local levels of corrections. The shaded rows in Table 3 indicate items where there was a statistically significant difference between the ratings given by the state officials and the ratings given by the county jail wardens

(at least at the p<0.05 level). They agreed in their ratings on 14 out of the 20 (70%) reentry topics included in Table 3. This suggests that the state officials and the county wardens share a common understanding of the challenges related to rural reentry, and that this likely reflects a set of core rural reentry issues that cut across all levels of corrections in Pennsylvania. If instead this study had found little or no agreement between the state and county levels, conclusions about what are the challenges surrounding rural reentry would have been more murky, likely requiring the creation of two separate models of rural reentry in Pennsylvania.

Looking first at areas of agreement, the most critical challenges facing rural reentry according both state corrections officials and county wardens are housing restrictions for hard to place offenders, and job opportunities available to returning inmates. Both of these items were rated as at least a 7 by both state corrections officials and county wardens. It should be noted that these two areas – employment and housing – are also the two areas most commonly discussed in the literature on reentry, as explained earlier in the literature review. Conversely, the reentry topics rated as least challenging by both groups of respondents were the ability of families to provide support to their returning loved ones, and the availability of and access to medical health services (note this is distinct from mental health services, which was rated as a more important issue). The national reentry literature is somewhat more mixed on these topics, although some studies have found that returning inmates do in fact rely heavily on their families for housing and help with employment and finances (Bucklen and Zajac, 2009).

Turning to the six topic areas where the state corrections official and the wardens disagree significantly in their ratings – (1) employment restrictions for hard to place offenders, (2) support given to families to assist returning inmates, (3) availability of treatment services and programs in your county, (4) availability of and access to mental health services, (5) ability to

pay for health services in rural areas, (6) and transportation availability – it stands out that in all six cases, the state officials rate the topic as more of a problem than do the county wardens. As far as why this might be the case, one explanation is that the state officials have a statewide perspective on reentry, and may see issues that cut across any one particular county. Moreover, they are presumably better able to make comparisons between rural and urban reentry issues, than are rural wardens who are working only within a single county. In addition, state corrections (PADOC & PBPP) seems to operate more reentry programs than do county jails (see other sections of this report), thus, the state corrections officials may have explored these issues more closely. A competing explanation is that the county wardens are “closer to the ground” and may have a more finely tuned perspective on local reentry conditions. In any event, even though the state corrections officials consistently rate these six issues higher than the county wardens, the wardens’ scores nonetheless round to at least a 5 on all of these issues, suggesting that they do feel they are important.

In addition to the quantitative, forced choice questions asked of the state corrections officials during the interviews, they were also given the opportunity to discuss challenges to reentry in an open ended manner. The wardens’ survey also afforded the respondents the opportunity to write in open ended comments in addition to answering the forced choice questions. This qualitative data was subjected to basic content analysis to identify common themes that emerged from respondents’ open ended comments. These themes also inform to a large degree the policy recommendations discussed at the end of this report.

One of the strongest themes to emerge centered on the notion of stigma. Respondents argued that offenders returning to rural areas often face stigmatization for their status as ex-offenders, and that this influences their ability to secure employment and housing (landlords

refuse to rent to them). Sex offenders, especially, have significant issues in securing housing because landlords do not want to rent to them, and they can even face great difficulties in getting jobs due to negative attitudes of potential employers. While the respondents acknowledged that stigma can be an issue even in urban reentry, the relative anonymity of urban life and the greater density of ex-offenders in many urban areas may make the mark of a criminal record less of an issue there. But in rural areas, released inmates' status as ex-offenders' is often widely known and seen as a violation of community norms. Thus, the released inmate "stands out" as the subject for disapproval. On a related point, several respondents did note that the close ties within many rural communities can actually work in the favor of ex-offenders who were highly regarded prior to incarceration and thus make reentry easier for these higher status individuals. But, respondents argued that this is not the case for most offenders returning to rural areas, thus, stigma emerges as a key issue for them. As will be discussed in the policy recommendations section, stigmatization is a difficult issue to address with a policy response, as it is unclear how to legislate general public attitudes, but stigma does appear to be an issue deserving further exploration in the context of rural reentry.

Closely related to the issue of stigma was the challenge presented by the so called "hard-to-place" ex-offenders. These include the mentally ill, violent offenders and most especially sex offenders. As discussed elsewhere in this report, sex offenders in particular can face significant restrictions on where they can live, and in rural areas with already limited housing options, finding housing for such offenders can be a significant challenge. Most respondents made a point of emphasizing that reintegration of "hard to place" offenders is one of the most significant challenges for reentry for their agencies.

Transportation was also universally identified as a key rural reentry issue, as it received a high rating on the forced choice question dealing with this topic (see Table 3), but was the subject of some degree of discussion by nearly all respondents. Respondents noted that limited transportation in rural areas intersects with many other reentry challenges, making it more difficult for released offenders to search for and get to work, attend treatment groups and even to make meetings with their parole agents. Respondents also widely agreed that transportation is much more of an issue for rural reentry than for urban.

As noted in the quantitative findings, respondents endorsed lack of treatment programs in rural communities as a key issue, but they also widely noted in discussion that programs specifically addressing the core criminogenic needs such as anti-social attitudes and poor decision making skills were almost entirely absent in rural areas. While there is also a deficit of such programs in urban areas, the Community Corrections Centers/Facilities operated by the PADOC do run some such programming, and most of these centers are clustered in urban areas, thus providing some options for ex-offenders in urban areas needing such services. Of course, these centers serve only state inmates paroled from State Correctional Institutions, so do not represent a resource for inmates released from county jails, nor for the 21% of state inmates who are released at the completion of their sentence with no parole supervision (“max-outs”), which represents nearly 21% of all state releases (Pennsylvania Department of Corrections, 2012b).

Respondents also widely noted that mental health services are often lacking in rural areas. They especially note that some rural counties may not even have a practicing psychiatrist, thus making continuity-of-care a significant impediment to reentry for seriously mentally ill ex-offenders. The respondents noted that this is much less of an issue in urban areas, where there is a greater density of mental health clinics and providers.

There was some disagreement between the state corrections officials and county jail wardens on the issue of family support. The state level respondents felt that family support was often stronger in rural areas, and that offenders returning to these areas often rely heavily upon family to fulfill needs that might be met by community or public agencies in rural areas, such as housing and employment assistance. County wardens, on the other hand, were less sanguine in their observations about the assistance that families can or do provide during reentry, noting that the families themselves are often struggling with their own issues and problems. Respondents did indicate, though, that there are few support services for families themselves in rural areas as they try to help their loved ones who are returning from prison.

As noted in the quantitative interview/survey findings above, employment is endorsed by most respondents as a key challenge, both in rural and urban areas, but especially in rural. Closely related to this was their frequent observation that there are very few opportunities for vocational training for ex-offenders in rural areas, although respondents from the PBPP did note that their agency is working to develop training opportunities for ex-offenders at local community colleges, but that this effort was just beginning.

Finally, the respondents also frequently commented that criminogenic needs (see discussion earlier) such as antisocial attitudes and poor coping skills are a challenge for rural reentry, but also equally for urban reentry. There was some disagreement over whether antisocial peers were more of an issue for rural reentry than urban, with some respondents arguing that the urban environment offers a more dense network of deviant peers, but with other respondents arguing that isolation in rural areas can leave ex-offenders with few alternative social outlets besides their old antisocial peers (and even family). Still, respondents seemed to

agree that the core criminogenic needs discussed earlier are a challenge for reentry regardless of the setting.

**Third Research Goal: Identify and document reentry programs and services available to released state and local prisoners in rural Pennsylvania.**

*Research Objective 3A: Identify reentry programs that are offered by the PADOC, PBPP and county jails to prisoners prior to or during the release process.*

During the interviews with the state level corrections officials, they were asked about the reentry programs that the agencies operate. While it is frequently said within the corrections field that all prison programming is directed towards preparing inmates for reentry (Petersilia, 2003), this study specifically inquired into programming that is directly and proximally oriented towards preparing inmates for release from prison and return to the community. Other programs, such as drug treatment, may often be delivered early in an inmate's sentence, and thus is more distally oriented towards reentry preparation.

For the PADOC, this is presently a time of flux for their reentry programming. For much of the past ten years, the PADOC's core reentry preparation program was known as the Community Orientation Reintegration, or COR, program. Originally developed in 2001, COR was a two phased reentry initiative. Phase 1 involved two weeks of full time services delivered in an SCI near the expected time of the inmate's release. The specific services included in Phase 1 of COR focused heavily on job readiness, such as job hunting skills, resume writing and practice interviews. Other services delivered in Phase 1 covered issues such as money management, finding housing, family reunification and accessing social services in the

community. Phase 2 of COR was delivered in a Community Corrections Center/Facility after an inmate was released, and typically also covered approximately two weeks. The content of services delivered in Phase 2 was somewhat more amorphous, and not as codified as with the services delivered in Phase 1. Services in Phase 2 could include family issues and on-going job readiness.

The PADOH undertook a comprehensive evaluation of the COR program, which was completed in 2008 (this evaluation was conducted by an independent evaluator and was led by the Principal Investigator for the current study – Zajac). This evaluation employed a rigorous experimental design (random assignment) and found that the COR program was not producing any significant reductions in recidivism among the inmates who participated in COR (Smith and Suttle, 2008). While a full discussion of the reasons for this outcome is beyond the scope of the current report, this evaluation found that all components of COR were being given to all released inmates (aside from those inmates randomly assigned to the control group during the study enrollment period), regardless of their actual need for a given component. And, while the job readiness component did occupy approximately one week of the two week period of COR Phase 1, the remaining week covered a wide variety of topics (e.g. money management, family reunification), which resulted in some topics receiving less than an hour of coverage. Moreover, while COR conveyed a great deal of *information* to inmates, there was relatively little time for inmates to acquire and practice new skills that they would need during reentry. Thus, COR was primarily a didactic program, rather than employing the more effective cognitive-behavioral approach as discussed earlier in the literature review. Thus, this evaluation concluded that COR was attempting to deliver too many services in too short a period of time to too many inmates, using ineffective techniques. This is a problem that has plagued other attempts to deliver brief,

broad-based reentry preparation programs to soon-to-be-released inmates, as was discovered in the contemporaneous evaluation of New York's Project Greenlight, which operated in a manner similar to COR and which also found no program effects (Wilson and Davis, 2006).

As a result of the evaluation of COR, the PADOV decided to gradually phase out this program and replace it with new reentry services. As of the time when the researchers conducted the interviews with PADOV officials for this study (summer of 2012) the new reentry programs were not yet fully in place and thus were something of a work in progress. The following discussion of these programs represents the best attempt to convey the direction that these programs will take over the next several years. It should be noted that the programs and initiatives discussed below are intended to serve the entire state inmate population, and are not geared specifically towards either rural or urban areas.

The core PADOV reentry programs currently unfolding are referred to as Reentry Units. The Reentry Unit concept is being pilot tested in 2013 in four State Correctional Institutions (SCI's Albion, Camp Hill, Graterford and Muncy; the first three SCI's are male facilities), with the eventual goal of having a Reentry Unit at all SCI's. The ultimate intended design of the Reentry Unit is for inmates to be placed into the Reentry Units at the SCI nearest to their home six months prior to their expected parole or other release date. The Reentry Units may be residential (i.e. where the participating inmates live together in a dedicated housing block separate from the general population) or "unit-based" (i.e. where the participating inmates live intermixed with the general population, but receive dedicated reentry services together); both approaches will be included in the pilot test. The Reentry Units will serve both inmates being paroled, and those who are being released without supervision at the end of their sentence ("max-outs"). Following the principles of effective offender intervention (discussed earlier), the

Reentry Units will primarily target inmates at a medium to high risk of recidivating, and will tailor services to the specific needs of individual inmates. Thus, not all inmates will be served (only those who can most likely benefit from the Reentry Units) and not all inmates served by the Reentry Units will receive all program components (only those that they need). The design of the Reentry Units, then, attends to several of the key weakness implicated in the poor outcomes of the earlier COR program.

One of the central design components of the Reentry Units will be community in-reach, where representatives from various community based agencies and services, such as Career Link, family programs, veterans agencies, and housing agencies, will be brought in to work with inmates in preparing their plan for reentry. Inmates will also meet with parole agents to plan for the requirements of parole supervision (this does not apply to inmates who are maxing out). Again, it must be stressed that the Reentry Unit concept is still in development as of the preparation of this report, and specific details may change as a result of lessons learned from the pilot test.

In addition to the nascent Reentry Unit initiative, there are other elements to the PADOC's reentry process. PADOC presently operates 53 Community Corrections Centers and Contract Facilities statewide. Fourteen of these are operated directly by PADOC (Community Corrections Centers, or CCCs), with the remaining 39 operated by private providers on behalf of the state (Community Contract Facilities, or CCFs), although some of the Community Contract Facilities may also house offenders for other clients, such as the federal Bureau of Prisons)<sup>9</sup>. The primary reentry purpose served by the CCC/F's is to provide inmates who have just been paroled with transitional housing and other basic reentry assistance for up to several months after their

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<sup>9</sup> See the following link for a complete listing of these CCC/F's:  
<http://www.portal.state.pa.us/portal/server.pt?open=512&objID=14823&mode=2>

release. Some of the CCC/F's limit their services largely to housing and monitoring, whereas others provide more in-depth rehabilitative services, up to and including residential drug treatment. The CCC/F system is also presently in a period of flux. The PADOC had recently conducted a comprehensive evaluation of the entire CCC/F system which was completed in 2009 (this evaluation was conducted by an independent evaluator and was also led by the Principal Investigator for the current study – Zajac). This evaluation included every CCC/F in operation at the time and compared outcomes for inmates sent to the CCC/F's to outcomes for similar inmates paroled directly to the street. This evaluation employed a very large sample of inmates (over 7,000) and also conducted a rigorous assessment of the quality of the treatment programs offered in each CCC/F. This evaluation found that overall the CCC/F's were not producing any reductions in recidivism, and in many case individual CCC/F's were actually showing increased recidivism rates compared to control parolees (Latessa, et al, 2009). This evaluation also found that the quality of treatment programs offered in most CCC/F's was low. As a result of this study, the PADOC announced in March 2013 a decision to suspend the contracts for all privately run CCF's and require rebidding under a new performance based contracting system<sup>10</sup>.

Payments to the new vendors selected will be tied to the recidivism rates of the facilities that they operate<sup>11</sup>. Thus, it is difficult for the researchers at this point to project exactly what the “new” community corrections system will look like when the new contracts take effect later in 2013 (anticipated to be by July).

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<sup>10</sup> “Prison reform ties contractors’ profits to public safety.” *The Patriot-News*, March 3, 2013, p. A5.

<sup>11</sup> As an aside, Latessa and colleagues had also conducted a very similar evaluation of the Ohio halfway house system prior to their evaluation of the PADOC CCC/F system, with results very similar to what was found here. Ohio also moved to a performance based contracting system for their halfway houses in the wake of that evaluation. See: Lowenkamp, C.T., & Latessa, E.J. (2005). *Evaluation of Ohio’s CCA programs*. Cincinnati, OH: Center for Criminal Justice Research, University of Cincinnati.

PADOC is also undertaking several other smaller initiatives and experiments designed to improve reentry. Within the state run Community Correction Centers, Corrections Counselors who work within these Centers will become oriented more towards serving as outreach agents, working with local community organizations and employers to leverage resources and opportunities for released inmates. Another initiative involves training specially selected inmates within some SCI's to become Certified Peer Specialists, which is a relatively new but rapidly growing initiative within the mental health field that allows individuals who themselves have been diagnosed with some sort of mental disorder to become certified as para-professionals, providing support and ancillary services to their peers who are undergoing treatment. The goal of the Certified Peer Specialist initiative is to better prepare inmates with mental disorders of return to the community, and also to provide the inmates who are trained as the Certified Peer Specialists themselves to acquire a marketable skill and experience that may lead to employment opportunities in the community upon release. Finally, the PADOC has recently received a grant from the U.S. Department of Justice, Bureau of Justice Assistance, to revamp and expand reentry services provided to female inmates who are diagnosed with co-occurring mental disorder and substance abuse. As with the Reentry Units and other new initiatives discussed above, the co-occurring disorder program is still unfolding, but will involve enhanced training for staff, revised treatment protocols for these women while in prison, and better efforts to link them to mental health and other services upon release<sup>12</sup>.

Thus, as of the writing of the current report, PADOC is undergoing several significant revisions to its portfolio of reentry programs and practices, thus limiting the researcher's ability to provide more information about the exact nature or effectiveness of these initiatives, beyond

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<sup>12</sup> The Principal Investigator for the current study – Zajac – is leading an evaluation of this co-occurring disorder initiative, but results will not be available in time for the current report.

what has been already discussed. In any event, reentry appears to be a major current focus within the PADOC, signaling a strong interest in this topic within the agency. There is also evidence that PADOC has been responsive to the findings from recent evaluations of earlier reentry initiatives.

The Pennsylvania Board of Probation and Parole (PBPP) is also presently undergoing changes to its reentry practices. The PBPP traditionally has relied heavily on programs and services offered through the aforementioned CCC/F system, run by the PADOC. The PBPP in large part has typically brokered services for parolees in the community, such as through the Single County Authorities. Given that the PBPP's mission is centered on supervising released inmates in the community, it can be said that everything they do is focused on reentry. Core elements of this mission include processing inmate applications for parole and delivering parole orientation sessions to inmates prior to parole. The development of the parole "home plan" is also a critical piece of the PBPP's reentry strategy. The home plan must be developed by the inmate, with assistance from institutional parole staff, prior to approval for parole. The home plan codifies key conditions of parole release, such as living arrangements, family support, employment options, and ongoing treatment and human services in the community if needed. Once paroled, parolees are also supervised by parole agents, including mandated visits by the parolees to their local parole office, as well as visits by the parole agent to the parolees' homes or other relevant venues (e.g. places of work). In addition, many parolees also undergo random drug testing for at least some period of their parole.

Turning to specific reentry initiatives operated by the PBPP, the *Reentry Program* is akin to a reentry or drug court, where selected parolees who have a history of substance use will be enrolled in a 12-18 month program involving regular meetings (usually monthly) at the county

courthouse with a PBPP Board Member, Judge, Parole Agent, county drug and alcohol service personnel and other staff as needed. The purpose of these meetings is to assess the parolee's compliance and progress with the individualized plan for supervision (including random drug testing), substance abuse treatment, and other recommended treatment services that was developed for him or her prior to release and to administer rewards or corrections based upon that progress. The Reentry Program can be used in any county if there are parolees in need of this service in that county. The exact nature of the Reentry Program can vary from county to county, and also from one parolee to another, but the overarching goal is to provide a structured and supportive reentry process for seriously addicted parolees.

More recently, PBPP has developed a new initiative geared towards more direct provision of reentry services to parolees in the community, both rural and urban. The "ASCRA" initiative was introduced in 2009, and stands for Assessment, Sanctioning, and Community Resource Agents. These are specialized parole agents who do not "carry a caseload" (i.e. do not maintain a regular list of parolees whom they are responsible for supervising), but instead focus specifically on reentry planning and assistance for parolees in the community. ASCRAs work to develop ties with providers and potential employers in the community to assist parolees with needed services and employment leads. They also serve as referral resources for other parole agents, assisting them in connecting parolees on their caseloads with needed services.

ASCRAs themselves also run treatment groups for selected parolees focusing on employment, cognitive skills training, substance use, family education, violence prevention and life skills (other parole agents in general do not run treatment groups, so ASCRA does represent a new direction in the direct provision of treatment services to parolees in the community). ASCRAs typically run 2 groups per week. For sessions focusing on criminal thinking issues and

substance use, they use a structured, manualized, cognitive-behavioral curriculum developed by the National Curriculum & Training Institute (NCTI) in partnership with the American Probation and Parole Association. NCTI provides training to ASCRAs on this curriculum. Following the principles of effective offender intervention discussed earlier, parolees are referred to the ASCRA-run groups based upon their risk and needs scores - high risk and high needs parolees are directed to these groups. ASCRA appears to still be somewhat in the testing stage, as there were only 17 ASCRA agents as of the summer 2012 (when interviews were conducted with state parole officials). ASCRA employs more of a “social work” model of parole, contrasted with a “law enforcement model” which commonly dominates parole (Latessa and Smith, 2011). According to state parole officials interviewed for this study, preliminary research by PBPP seems to find recidivism reductions associated with the ASCRA initiative, although no report was available.

The researchers also explored the reentry programs offered by the 43 rural county jails. As part of the self-administered survey mailed to county jail wardens (described earlier), the wardens were asked to discuss any reentry programs that they offer to their inmates as part of the release process. Appendix B presents the full survey sent to the wardens; the survey item referred to here was Question 2 in Part 2 of the survey. Table 4 below presents a summary of the types of reentry programs that the county wardens report operating. It should be noted that this table does not include those counties that simply did not respond to the survey at all, nor those counties that did send in a response but did not answer Question 2 in Part 2. Thus, this table represents only those county jails that provided some sort of direct answer to that question. Finally, recall from discussion earlier in this report that Juniata county closed its jail midway

through this study. While they did respond to this survey, their information is not included in this table since any programs they may have been running are obviously no longer in existence.

**Table 4: Reentry Programs Reported by County Jails**

County	Alcohol & Drugs Services	Life Skills	Employment & Vocational Guidance	Financial Aid & Insurance / Medical Assistance	Housing & Transportation Assistance	Mental Health Assistance	Parenting Services & Family Related	Other
<b>Blair</b>	1	1	0	0	0	0	0	1
<b>Carbon</b>	0	0	0	0	0	0	0	1
<b>Clearfield</b>	1	0	2	0	0	0	0	3
<b>Clinton</b>	1	0	1	0	2	1	1	5
<b>Columbia</b>	0	0	1	0	0	0	0	1
<b>Crawford</b>	0	0	0	0	0	0	0	0
<b>Elk</b>	4	0	2	0	0	3	1	2
<b>Franklin</b>	1	0	0	0	0	1	0	2
<b>Greene</b>	1	0	0	1	0	0	0	2
<b>Lycoming</b>	1	0	3	1	0	1	1	0
<b>Mercer</b>	4	1	2	2	0	2	3	3
<b>North-umberland</b>	0	0	0	0	0	1	1	1
<b>Pike</b>	0	0	0	0	0	0	0	3
<b>Schuylkill</b>	0	0	0	0	0	0	0	0
<b>Tioga</b>	1	0	4	0	0	0	0	0
<b>Union</b>	1	1	0	0	0	0	0	0
<b>Venango</b>	2	0	1	0	1	1	1	2
<b>Warren</b>	0	0	0	0	0	0	0	0
<b>Wayne</b>	0	0	1	0	0	0	0	1
<b>Total</b>	<b>18</b>	3	<b>17</b>	<b>4</b>	<b>3</b>	<b>10</b>	<b>8</b>	<b>27</b>

Source: County jail wardens survey

Based upon responses provided by the jails to this question, the researchers grouped their programs into the eight program categories shown in Table 4. These categories were used to be congruent as far as possible with the other categories of reentry programs discussed in the next section. Note that some counties may offer more than one program within a given category (e.g.

4 alcohol and drug services programs at Mercer county jail). The “Other” category includes a wide variety of miscellaneous services, such as veterans programs and gender specific services.

Based upon the column totals, drug and alcohol programs are the most common type of reentry program reported by the jails. Employment and vocational guidance are almost as common, which is perhaps not surprising in light of the finding noted earlier in the literature review about the primacy of employment in discussions of reentry. The other program categories are much less in evidence, most notably housing and financial assistance. Unlike with the state-wide reentry programs run by the PADOH discussed earlier, the researchers had no information available to them about the quality of these programs, or their effects on recidivism. As part of the wardens survey, the county jails were also asked for information about any new reentry initiatives that they might be developing. Only six of the jails indicated that they had any new reentry initiatives underway. These initiatives focused on creating drug courts (Carbon, Columbia), parenting programs (Carbon, Lycoming), housing assistance (Franklin), expanding jobs assistance efforts (Lycoming, Pike) and efforts to study what they are currently doing with entry to inform future planning (Clinton).

The data collected through this survey suggests a relative dearth of reentry programs being offered by rural county jails. As noted earlier, and in Zajac and Kowalski (2012), county jails often lack the resources and staff capacity to offer extensive programming, and this is exacerbated when dealing with very small jails. Clearly, there is much greater capacity within the state prison system to provide formal, structured reentry services. As a corollary to that, though, there may be a greater *need* for such services for state inmates, as they typically have been incarcerated for longer periods than county jail inmates (Zajac and Kowalski, 2012) and

thus have suffered more disruption of their social capital (e.g. positive peer networks, connections to previous or potential employers, family support, etc).

*Research Objective 3B: Identify community-based programs in rural counties that are available to returning prisoners.*

As discussed in the Methodology section, this study gathered information, largely from the community resource directories maintained by the PADOA, about programs in the rural counties that offered services which can assist released inmates in the reentry process. Before this report begins the discussion of these community resources, several limitations and conditions should be noted.

First, the results presented below represent simply a discussion of the number and types of programs available in each county. It was beyond the resources available to this report to do any sort of assessment of the quality or capacity of these programs, given that there are nearly 2900 programs listed for the rural counties. For example, this report does not present any information on the qualifications of the staff working in these programs, details of their treatment model and approach (e.g. do they use a cognitive-behavioral approach?), information about how they screen and assess clients, or the number of clients they can serve at one time. So, while Table 5 below may show that one county has more programs than another, this says nothing about the relative quality of these programs. On a related point, it was not always clear from the program description whether a given program provider is public, private, or non-profit, what sorts of fees may be charged for service, or how these disparate programs coordinate their

services among one another. These are important issues, but would have required a comprehensive survey of all programs that was beyond the capacity of the current study to accomplish. Still, the analysis presented below does offer some indication of the social service menu available to ex-offenders in rural Pennsylvania.

Second, it should be noted that these community programs are for the most part available to anyone in the community, regardless of their offender status. Thus, ex-offenders must share access to these services with non-offenders. Again, this study was not able to collect information on the client mix that is served by each program. On a related point, it is also important to note that these community programs are not necessarily geared specifically towards addressing the core criminogenic needs of ex-offenders, such as anti-social attitudes and association with criminal peers. While the researchers could not conduct an actual evaluation of each program, they did review the brief program descriptions (if provided) found in the PADO community resource directories from which much of the information for this analysis is drawn. No evidence was found that any of these programs was delivering offender specific services, as would be found in a prison setting. The one exception are the sex offender programs offered in 11 counties, which by definition are oriented towards those who have committed sex crimes. But, there are very few such programs and again they are targeted specifically to sex offenders, thus not applying to the large number of non-sex offenders in the ex-offender population. As discussed earlier this dearth of community programs that specifically address key criminogenic needs (e.g. anti-social attitudes, peers) was noted as an issue during the interviews and surveys with state corrections official and county wardens.

Finally, it is unclear how often released inmates take advantage of the community services that are in theory available to them. Some programs charge fees which released inmates

may be unable to meet. Transportation to programs in rural areas was also noted as an issue. The researchers learned during interviews with the PADOC that the PADOC does make the community resource directories available in the prison libraries for inmates to use, and inmates may request a copy. The PADOC Bureau of Treatment Services will also provide copies to family members of inmates upon request, and of course these directories are freely available on the PADOC website, as discussed in the methodology section. During interviews with PBPP staff, it was noted that the specialized ASCRA agents (see earlier discussion of PBPP reentry programs) do also work with parolees to direct them towards appropriate community programs. And, as discussed in more detail below, several of the responding rural county jails did provide some information about specific community programs to which they refer their inmates. Thus, while the state and local corrections agencies in Pennsylvania are taking care to make released inmates aware of available programs in the community, it is unclear how these resources are being used by the released inmates themselves.

Table 5 below provides a simple count of the number of community-based programs in each rural county that could be accessed by released inmates, grouped into eight categories: Alcohol and Drug Services; Employment and Vocational Guidance; Financial Aid and Insurance/Medical Assistance; Food Assistance; Transportation Assistance; Mental Health Assistance; Parenting Services and Education; and Sex Offender Programs; as well at a Total category showing the sum of all types of programs available in each county.

**Table 5 – Programs in Pennsylvania’s Rural Counties**

County	Alcohol and Drugs Services	Employment and Vocational Guidance	Financial Aid & Insurance/Medical Assistance	Food Assistance	Housing & Transportation Assistance	Mental Health Assistance	Parenting Services and Education	Sex Offender Programs	Total
Adams	3	10	11	4	8	3	10	0	49
Armstrong	4	7	14	6	4	6	11	0	52
Bedford	3	4	10	6	7	2	3	0	35
Blair	11	12	22	10	13	8	15	0	91
Bradford	5	8	11	6	7	5	5	0	47
Butler	8	8	13	23	10	7	15	2	86
Cambria	7	9	11	8	9	6	11	2	63
Cameron	6	4	5	4	3	4	4	0	30
Carbon	15	12	30	10	14	19	16	0	116
Centre	7	7	23	10	12	4	12	1	76
Clarion	3	4	3	11	3	2	1	0	27
Clearfield	2	7	17	6	10	8	8	1	59
Clinton	9	6	8	7	9	4	6	1	50
Columbia	11	4	7	4	7	3	4	0	40
Crawford	3	10	34	4	7	9	16	0	83
Elk	2	5	8	1	3	2	6	2	29
Fayette	5	9	13	7	7	5	4	0	50
Forest	2	3	5	1	3	2	2	0	18
Franklin	6	0	24	13	14	13	22	0	92
Fulton	6	5	14	4	4	8	8	0	49
Greene	10	10	18	10	9	5	5	0	67
Huntingdon	1	5	12	6	7	7	5	0	43
Indiana	5	15	19	8	15	10	11	0	83
Jefferson*	-	-	-	-	-	-	-	0	-
Juniata	3	9	24	5	8	8	20	0	77
Lawrence	5	9	14	0	13	3	7	1	52

County	Alcohol and Drugs Services	Employment and Vocational Guidance	Financial Aid & Insurance/ Medical Assistance	Food Assistance	Housing & Transportation Assistance	Mental Health Assistance	Parenting Services and Education	Sex Offender Programs	Total
Lycoming	15	12	30	13	25	16	39	0	150
McKean	2	8	11	2	5	9	3	0	40
Mercer	11	6	21	8	12	6	9	1	74
Mifflin	2	3	21	4	6	7	15	0	58
Monroe	9	7	19	9	15	7	17	0	83
Montour	9	8	7	8	5	8	6	0	51
Northumberland	6	10	5	8	12	5	11	0	57
Perry	3	7	12	5	7	4	5	0	43
Pike	6	10	31	7	10	9	16	0	89
Potter	2	10	13	7	5	4	3	0	44
Schuylkill	4	9	17	13	12	5	10	1	71
Snyder	9	6	7	7	6	8	8	0	51
Somerset	2	2	8	9	3	2	4	1	31
Sullivan	4	6	26	5	9	4	8	0	62
Susquehanna	3	7	13	9	8	2	7	0	49
Tioga	8	7	10	4	8	5	7	0	49
Union	10	8	6	5	8	7	6	0	50
Venango	5	6	17	5	7	8	9	1	58
Warren	6	6	10	8	8	4	7	0	49
Washington	18	13	21	7	12	11	13	0	95
Wayne	9	11	37	11	16	12	27	0	123
Wyoming	9	5	13	5	9	5	5	0	51
Total	294	349	725	333	414	301	462	14	2892

Source: Data collected from the PADOC and PBPP, supplemented by searches of county websites.

\*Data was not available for most program categories for this county.

While the absolute number of programs in each rural county is a prerequisite for understanding the service capacity in these counties, the absolute numbers themselves do not reveal how these programs are spread across the population which might be using these services. A large county may have a larger absolute number of programs than a smaller county, but may still have a lower rate of programs per population. Thus, the number of programs per capita (rate per 10,000) was calculated for the programs in each rural county. This was done to provide a better representation of the density of services available each county, accounting for how the program base with each county is spread across the population. For this analysis, the researchers used the rate for the entire population of the county, rather than the population of released inmates, because as discussed earlier, these community programs are open to everyone in the community, not just released inmates. Thus, using the overall county population for this calculation provides a better picture of the demand that theoretically could be placed upon these programs, which has a bearing on the capacity of these programs to serve released inmates. Moreover, while this study collected data on numbers of inmates released to each rural county for each of the past five years, the researchers did not have any data on the total number of released inmates living in each county at any one time (i.e. including inmates who were released prior to the time period covered by this study).

Table 6 below shows the per capita rate for all rural counties. This table provides some sense of which rural counties are in a stronger position to provide services to offenders returning to these counties. For alcohol and drug services, Cameron had the highest density of programs, and Huntingdon the lowest. For employment and vocational services, Sullivan had the highest density of programs, and Franklin the lowest. For financial aid and medical assistance services, Sullivan once again had the highest density of programs, and Northumberland the lowest. For

food assistance, Cameron had the highest density of programs and Lawrence the lowest. For transportation assistance, Sullivan had the highest density of programs, and Somerset the lowest. For mental health services, Cameron had the highest density of programs, and Somerset the lowest. For parenting and family services, Sullivan had the highest density of programs, and Clarion the lowest. For sex offender services, there were so few such programs, and the vast majority of counties (77%) did not offer any such programs, that comparisons between counties are pointless. Finally, looking at all categories of community programs combined, Sullivan had the highest density of programs, and Fayette the lowest. Thus, Sullivan and Cameron counties appear to be consistently in the best position in terms of the density of programs in their counties to support reentry. There is no clear pattern in terms of which counties have the lowest density of programs across the various categories.

**Table 6 – Programs Per Capita (rate per 10,000) in Pennsylvania’s Rural Counties**

County	Alcohol & Drug Services	Employ. & Vocational Guidance	Financial Aid & Insurance/ Medical Assistance	Food Assistance	Transportation Assistance	Mental Health Assistance	Parenting Services & Education	Sex Offender Programs	Total
Adams	0.30	0.99	1.08	0.39	0.79	0.30	0.99	0.00	4.83
Armstrong	0.58	1.02	2.03	0.87	0.58	0.87	1.60	0.00	7.54
Bedford	0.60	0.80	2.01	1.21	1.41	0.40	0.60	0.00	7.03
Blair	0.87	0.94	1.73	0.79	1.02	0.63	1.18	0.00	7.16
Bradford	0.80	1.28	1.76	0.96	1.12	0.80	0.80	0.00	7.51
Butler	0.44	0.44	0.71	1.25	0.54	0.38	0.82	0.11	4.68
Cambria	0.49	0.63	0.77	0.56	0.63	0.42	0.77	0.14	4.38
Cameron	11.80	7.87	9.83	7.87	5.90	7.87	7.87	0.00	59.00
Carbon	2.30	1.84	4.60	1.53	2.15	2.91	2.45	0.00	17.78
Centre	0.45	0.45	1.49	0.65	0.78	0.26	0.78	0.06	4.94
Clarion	0.75	1.00	0.75	2.75	0.75	0.50	0.25	0.00	6.75
Clearfield	0.24	0.86	2.08	0.73	1.22	0.98	0.98	0.12	7.23
Clinton	2.29	1.53	2.04	1.78	2.29	1.02	1.53	0.25	12.74
Columbia	1.63	0.59	1.04	0.59	1.04	0.45	0.59	0.00	5.94
Crawford	0.34	1.13	3.83	0.45	0.79	1.01	1.80	0.00	9.35
Elk	0.63	1.57	2.50	0.31	0.94	0.63	1.88	0.63	9.08
Fayette	0.37	0.66	0.95	0.51	0.51	0.37	0.29	0.00	3.66
Forest	2.59	3.89	6.48	1.30	3.89	2.59	2.59	0.00	23.33
Franklin	0.40	0.00	1.60	0.87	0.94	0.87	1.47	0.00	6.15
Fulton	4.04	3.37	9.43	2.69	2.69	5.39	5.39	0.00	33.01
Greene	2.58	2.58	4.65	2.58	2.33	1.29	1.29	0.00	17.32
Huntingdon	0.22	1.09	2.61	1.31	1.52	1.52	1.09	0.00	9.37
Indiana	0.56	1.69	2.14	0.90	1.69	1.13	1.24	0.00	9.34
Jefferson								0.00	-----
Juniata	1.22	3.65	9.74	2.03	3.25	3.25	8.12	0.00	31.26
Lawrence	0.55	0.99	1.54	0.00	1.43	0.33	0.77	0.11	5.71
Lycoming	1.29	1.03	2.58	1.12	2.15	1.38	3.36	0.00	12.92
McKean	0.46	1.84	2.53	0.46	1.15	2.07	0.69	0.00	9.21
Mercer	0.94	0.51	1.80	0.69	1.03	0.51	0.77	0.09	6.34
Mifflin	0.43	0.64	4.50	0.86	1.29	1.50	3.21	0.00	12.42
Monroe	0.53	0.41	1.12	0.53	0.88	0.41	1.00	0.00	4.89
Montour	4.93	4.38	3.83	4.38	2.74	4.38	3.28	0.00	27.92

County	Alcohol & Drug Services	Employ. & Vocational Guidance	Financial Aid & Insurance/ Medical Assistance	Food Assistance	Transportation Assistance	Mental Health Assistance	Parenting Services & Education	Sex Offender Programs	Total
Northumberland	0.63	1.06	0.53	0.85	1.27	0.53	1.16	0.00	6.03
Perry	0.65	1.52	2.61	1.09	1.52	0.87	1.09	0.00	9.35
Pike	1.05	1.74	5.40	1.22	1.74	1.57	2.79	0.00	15.51
Potter	1.15	5.73	7.45	4.01	2.86	2.29	1.72	0.00	25.20
Schuylkill	0.27	0.61	1.15	0.88	0.81	0.34	0.67	0.07	4.79
Snyder	2.27	1.51	1.76	1.76	1.51	2.02	2.02	0.00	12.85
Somerset	0.26	0.26	1.03	1.16	0.39	0.26	0.51	0.13	3.99
Sullivan	6.22	9.33	40.45	7.78	14.00	6.22	12.45	0.00	96.45
Susquehanna	0.69	1.61	3.00	2.08	1.85	0.46	1.61	0.00	11.30
Tioga	1.91	1.67	2.38	0.95	1.91	1.19	1.67	0.00	11.67
Union	2.22	1.78	1.33	1.11	1.78	1.56	1.33	0.00	11.12
Venango	0.91	1.09	3.09	0.91	1.27	1.45	1.64	0.18	10.55
Warren	1.43	1.43	2.39	1.91	1.91	0.96	1.67	0.00	11.72
Washington	0.87	0.63	1.01	0.34	0.58	0.53	0.63	0.00	4.57
Wayne	1.70	2.08	7.00	2.08	3.03	2.27	5.11	0.00	23.29
Wyoming	3.18	1.77	4.60	1.77	3.18	1.77	1.77	0.00	18.04
Total	0.88	1.04	2.17	1.03	1.28	0.90	1.36	0.04	8.67

Source: Data collected from the PADOC and PBPP, supplemented by searches of county websites.

\*Data was not available for most program categories for this county.

While an examination of program capacity in urban counties was not a part of the mandate of this study, the researchers had available to them the same community program data for urban counties as for rural, thus allowing them to test the assertion made by the state corrections officials during the interviews that rural counties have less program capacity than urban. Table 7 below shows that across the board, the rural counties actually seem to have equal or even greater program capacity than the urban counties. Thus, this data seems to contradict that impression held by the state corrections officials interviewed for this study that the rural counties overall are more challenged in their ability to offer human services to returning offenders. Once again, it should be noted that the data presented in Tables 5 through 7 do not account for program quality or the actual ability of returning offenders to take advantage of these programs. Thus, the state corrections officials may have been reporting on more nuanced aspects of service capacity within these counties than is indicated by the data in these two tables.

**Table 7 - Programs Per Capita (rate per 10,000) in Rural and Urban Counties**

	<b>Rural</b>	<b>Urban</b>
<b>Alcohol &amp; Drug Services</b>	0.79	0.25
<b>Employment &amp; Vocational Guidance</b>	0.93	0.28
<b>Financial Aid and Insurance/Medical Assistance</b>	1.94	0.43
<b>Food Assistance</b>	1.13	0.28
<b>Housing &amp; Transportation Assistance</b>	0.80	0.27
<b>Mental Health Assistance</b>	1.21	0.31
<b>Parenting Services &amp; Education</b>	0.04	0.04
<b>Sex Offender Programs</b>	7.75	2.25

Source: Data collected from the PADOC and PBPP, supplemented by searches of county websites.

The data presented above was gathered primarily from state officials in response to a question during the interviews about what programs exist in the community for inmates being released from state custody. In addition, as part of the self-administered survey mailed to county jail wardens (described earlier), the researchers asked what community services the jails referred their released inmates to, if any. Appendix B presents the full survey sent to the wardens; the survey item referred to here was Question 3 in Part 2 of the survey. Table 8 below presents a summary of the community services that the county wardens report referring their inmates to. It should be noted that this table does not include those counties that simply did not respond to the survey at all, nor those counties that did send in a response but did not answer Question 3 in Part 2. Thus, this table represents only those 17 rural county jails that provided some sort of direct answer to that question. Finally, recall from discussion earlier in this report that Juniata county closed its jail midway through this study. While they did respond to this survey, their information is not included in this table since they obviously are no longer in a position to make any community referrals.

**Table 8 - Community Services to Which County Jails Refer Released Inmates**

County	Alcohol & Drugs Services	Life Skills	Employment & Vocational Guidance	Financial Aid & Insurance / Medical Assistance	Housing & Transportation Assistance	Mental Health Assistance	Parenting Services & Education	Other
<b>Adams*</b>	-	-	-	-	-	-	-	
<b>Bradford</b>	0	0	0	0	0	1	1	0
<b>Carbon</b>	0	0	0	0	0	0	0	0
<b>Clinton</b>	1	0	1	0	0	0	0	2
<b>Columbia</b>	0	0	0	0	0	0	0	1
<b>Elk</b>	1	0	0	0	0	1	0	4
<b>Greene</b>	0	0	0	0	0	0	0	0
<b>Franklin</b>	1	0	0	0	0	1	0	1
<b>Lycoming</b>	1	0	1	0	0	1	0	2
<b>Mercer</b>	4	1	0	3	0	1	5	3
<b>Northumberland</b>	0	0	0	0	0	0	0	0
<b>Pike</b>	0	0	0	0	0	1	0	2
<b>Schuylkill</b>	0	0	0	0	0	0	0	0
<b>Sullivan</b>	0	0	1	0	1	0	0	0
<b>Tioga</b>	0	0	1	0	1	0	0	0
<b>Warren</b>	0	0	0	0	0	0	0	1
<b>Wayne</b>	0	0	1	1	0	0	0	0
<b>Total</b>	<b>8</b>	<b>1</b>	<b>4</b>	<b>4</b>	<b>1</b>	<b>6</b>	<b>6</b>	<b>16</b>

Source: County jail wardens survey

\*Note: Adams county attached an extensive directory of programs available in the multi-county area surrounding Adams County.

Based upon responses provided by the jails to this question, the researchers grouped their community referral targets into the eight service categories shown in Table 8. These categories were used to be congruent as far as possible with the categories of reentry programs discussed earlier in this section and in the previous section. Note that some counties may offer more than one program within a given category (e.g. Mercer county reports 4 separate alcohol and drug services referral targets).

Based upon the column totals, drug and alcohol programs are the most common type of services to which the jails are referring released inmates. Recall from Table 4 earlier that alcohol and drug services were also the most common type of reentry program reported to be delivered *within* the jails. Other common referral targets include employment services, parenting and mental health. What does seem to stand out from this data is that the county jails report making relatively few referrals to reentry services in the community. Indeed, the counties that responded to this question report a mean of only 3 community program to which they make referrals. It may be that the relatively short-term nature of most county jail stays, and the challenge of rigorously classifying inmates under these conditions, limits the perceived need or capacity of the jails to make community service referrals in many cases (Zajac and Kowalski, 2012).

**Fourth Research Goal: Conduct a gap analysis of reentry services available in rural Pennsylvania for successful reentry.**

*Research Objective 4A: Identify any gaps that exist between the numbers of prisoners returning to each rural county and service capacity available in those counties.*

Table 9 below relates the number of combined state prison and county jail inmates released to each rural county in 2011 to the number of programs available in each service category from Table 5 above as well as total number of programs in each county for 2011. This is expressed as the number of programs per 1000 inmate releases. The year 2011 was chosen as this is the most recent year for which release data is available, thus providing the most current snapshot of programs available versus potential need for those programs by released inmates. The researchers chose to examine to most recent year as a snapshot as opposed to using the cumulative releases over the five year period of release data available since it is not known how many of the inmates released in earlier years might still be living in each county. In addition, the program availability data is current to 2011, thus there is a logical match with the 2011 release data.

Table 9 below provides some sense of which rural counties are in a stronger position to provide services to inmates returning to these counties. Unlike Table 6 above which shows program density across the entire population of each county (i.e. including non-offenders), Table 9 below specifically relates program availability to the number of released inmates, thus allowing for some conclusions about potential gaps in services for rural released inmates. For alcohol and drug services, Washington County had the highest density of programs, and Clearfield the lowest. For employment and vocational services, Washington again had the highest density of programs, and Franklin the lowest. For financial aid and medical assistance services, Juniata had the highest density of programs, and Northumberland the lowest. For food assistance, Potter had the highest density of programs and Lawrence the lowest. For transportation assistance, Washington had the highest density of programs, and Cambria the lowest. For mental health services, Washington had the highest density of programs, and Adams the lowest. For parenting

and family services, Juniata had the highest density of programs, and Clarion the lowest. For sex offender services, there were so few such programs, and the vast majority of counties (77%) did not offer any such programs, that comparisons between counties are pointless. Finally, looking at all categories of community programs combined, Washington had the highest density of programs, and Adams the lowest. Thus, Washington county appears to be consistently in the best position in terms of the density of programs per returning inmate, and thus would presumably be in the best position to provide support services to returning inmates. There is no clear pattern in terms of which counties have the lowest density of programs across the various categories.

**Table 9 - Program Availability per 1000 State and County Inmates Released into Rural Counties in 2011**

County	Alcohol and Drugs Services	Employment and Vocational Guidance	Financial Aid & Insurance/Medical Assistance	Food Assistance	Housing & Transportation Assistance	Mental Health Assistance	Parenting Services and Education	Sex Offender Programs	Total
Adams	1.35	4.49	4.93	1.79	3.59	1.35	4.49	0.00	21.98
Armstrong	3.77	6.60	13.21	5.66	3.77	5.66	10.38	0.00	49.06
Bedford	4.43	5.91	14.77	8.86	10.34	2.95	4.43	0.00	51.70
Blair	4.33	4.72	8.65	3.93	5.11	3.15	5.90	0.00	35.78
Bradford	4.03	6.45	8.86	4.83	5.64	4.03	4.03	0.00	37.87
Butler	3.00	3.00	4.88	8.63	3.75	2.63	5.63	0.75	32.28
Cambria	2.03	2.61	3.19	2.32	2.61	1.74	3.19	0.58	18.27
Carbon	14.53	11.63	29.07	9.69	13.57	18.41	15.50	0.00	112.40
Centre	5.67	5.67	18.64	8.10	9.72	3.24	9.72	0.81	61.59
Clarion	4.85	6.47	4.85	17.80	4.85	3.24	1.62	0.00	43.69
Clearfield	1.28	4.48	10.88	3.84	6.40	5.12	5.12	0.64	37.75
Clinton	4.66	3.11	4.14	3.63	4.66	2.07	3.11	0.52	25.89
Columbia	8.99	3.27	5.72	3.27	5.72	2.45	3.27	0.00	32.71
Crawford	1.98	6.60	22.43	2.64	4.62	5.94	10.55	0.00	54.75
Elk	5.25	13.12	21.00	2.62	7.87	5.25	15.75	5.25	76.12
Fayette	13.02	23.44	33.85	18.23	18.23	13.02	10.42	0.00	130.21
Franklin	2.13	0.00	8.53	4.62	4.97	4.62	7.82	0.00	32.68
Greene	13.12	13.12	23.62	13.12	11.81	6.56	6.56	0.00	87.93
Huntingdon	1.70	8.49	20.37	10.19	11.88	11.88	8.49	0.00	73.01
Indiana	3.93	11.80	14.95	6.29	11.80	7.87	8.65	0.00	65.30
Jefferson*								0.00	
Juniata	9.49	28.48	75.95	15.82	25.32	25.32	63.29	0.00	243.67
Lawrence	2.84	5.12	7.96	0.00	7.39	1.71	3.98	0.57	29.58

County	Alcohol and Drugs Services	Employment and Vocational Guidance	Financial Aid & Insurance/Medical Assistance	Food Assistance	Housing & Transportation Assistance	Mental Health Assistance	Parenting Services and Education	Sex Offender Programs	Total
Lycoming	5.72	4.57	11.43	4.95	9.53	6.10	14.86	0.00	57.16
McKean	2.68	10.71	14.73	2.68	6.69	12.05	4.02	0.00	53.55
Mercer	5.49	2.99	10.47	3.99	5.99	2.99	4.49	0.50	36.91
Mifflin	1.74	2.60	18.23	3.47	5.21	6.08	13.02	0.00	50.35
Monroe	3.16	2.46	6.68	3.16	5.27	2.46	5.98	0.00	29.17
Montour	31.69	28.17	24.65	28.17	17.61	28.17	21.13	0.00	179.58
Northumberland	3.24	5.41	2.70	4.33	6.49	2.70	5.95	0.00	30.83
Perry	3.92	9.14	15.67	6.53	9.14	5.22	6.53	0.00	56.14
Pike	2.79	4.65	14.41	3.25	4.65	4.18	7.44	0.00	41.38
Potter	8.51	42.55	55.32	29.79	21.28	17.02	12.77	0.00	187.23
Schuylkill	2.08	4.67	8.82	6.75	6.23	2.59	5.19	0.52	36.84
Snyder	16.16	10.77	12.57	12.57	10.77	14.36	14.36	0.00	91.56
Somerset	2.79	2.79	11.17	12.57	4.19	2.79	5.59	1.40	43.30
Susquehanna	5.92	13.81	25.64	17.75	15.78	3.94	13.81	0.00	96.65
Tioga	15.24	13.33	19.05	7.62	15.24	9.52	13.33	0.00	93.33
Union	20.75	16.60	12.45	10.37	16.60	14.52	12.45	0.00	103.73
Venango	3.60	4.33	12.26	3.60	5.05	5.77	6.49	0.72	41.82
Warren	7.14	7.14	11.90	9.52	9.52	4.76	8.33	0.00	58.33
Washington	63.83	46.10	74.47	24.82	42.55	39.01	46.10	0.00	336.88
Wayne	14.56	17.80	59.87	17.80	25.89	19.42	43.69	0.00	199.03
Wyoming	18.11	10.06	26.16	10.06	18.11	10.06	10.06	0.00	102.62
Total	5.13	6.10	12.66	5.82	7.23	5.26	8.07	0.24	50.51

Source: Data runs supplied by PADOC & PBPP; and county jail data compiled by Zajac and Kowalski (2012). See note in methodology.

*Research Objective 4B: Identify any gaps that exist between the types of services needed by prisoners returning to rural areas and community programs available to returning prisoners.*

The data presented in Table 9 above may in some sense be seen as artificial, in that not all released inmates will require assistance in all categories of service. The researchers had no data about specific services needs of released county jail inmates, and only some data for the specific needs of released state inmates. Thus, for Table 9 above, the Total column may be the most revealing, as most released inmates will likely require help in at least some area from social and human services agencies in the county.

To examine the relationship between available programs in each county and the *specific needs* of released inmates, the researchers were able to use data provided by the PADOC on the needs of released state inmates in three categories of service. Again, no detailed information about specific needs of county inmates was available. First, PADOC supplied data on the number of released state inmates who lacked a high school diploma, and thus presumably would benefit from continued educational and vocational services upon release. Second, PADOC supplied data on the number of released inmates who were diagnosed with some sort of mental disorder while incarcerated, and thus would presumably benefit from ongoing mental health services after release. Finally, PADOC supplied data on the number of released inmates who were diagnosed as being potentially substance dependent, which is the highest level of addiction, and thus presumably would benefit from ongoing drug and alcohol treatment after release.

Table 10 below shows the number of released inmates in 2011 in each category of service need per the available programs in each category, by county. For example, there were 90 state inmates released to Adams county in 2011 who lacked a high school degree, and there were 10

education/vocational programs listed for that county; thus, there were 9 inmates for each educational/vocational program in Adams county. It must be noted that this analysis draws inferences about possible need for services in each of the three categories based upon known diagnostic information supplied by the PADOC. But, recommendations for ongoing service are made on a case by case basis, individualized to each client. Thus, the analysis presented here represents a best estimate at the relationship between specific services needed and services available in each county. Second, this detailed diagnostic information is available only for state inmates; no comparable data was available for county jail inmates.

Looking at Table 10, the rural counties varied in the number of released state inmates for each available community program. As a general rule, effective correctional programs maintain a ratio of no more than 10 participants for each program/group (Latessa, 2005; Van Voorhis, et al, 2009). With larger participant ratios, it becomes more difficult to maintain the integrity of program implementation and client service delivery. With this in mind, the mean ratio across all rural counties for education/vocational programs is 9, which is ideal. For mental health programs, the mean ratio is 13, which is close to the ideal of 10 or less. The ratio for alcohol and drug treatment programs is 22, which is considerably higher than the ideal.

Looking at individual counties, some are in a better position than others to provide aftercare services to released inmates. Fayette county is in worst situation overall for in terms of county programs available for specific inmate needs. It would be in the bottom percentiles for proportional program availability for all three areas of service. It has roughly double the offenders per program than the average for rural PA for all three areas. Adams county is also has high ratios of returning inmates with specific needs to programs available in the county. While it has average availability for educational/vocational programs relative to offenders with less than

12 years of education, it has the lowest rate of mental health programs for returning inmates in rural PA and also fares poorly for alcohol/drug programs. Some of the smaller counties, such as Sullivan, Potter, Juniata, Cameron and Carbon, have much better ratios of returning inmates with specific service needs to available community programs. This may simply be a function of the relatively small number of state inmates returning to those counties. Again, the important caveats to this discussion are (1) that these figures do not account for the needs of returning county jail inmates (for which no data was available), and (2) non-offenders in these communities are also presumably competing with released inmates for these services. Thus, the “true” ratios of returning inmates needing specific services to programs available in rural counties may likely be higher than those reported in Table 10.

**Table 10 – Density of Programs for State Prison Inmates Released in 2011 Needing Specific Services in Rural Counties**

County	Education		Mental Health		Alcohol and Drug Addiction	
	# of Inmates <12 <sup>th</sup> Grade	Ratio of Inmates Needing Service to Community Programs	# of Inmates with MH Needs	Ratio of Inmates Needing Service to Community Programs	# of Inmates with Substance Abuse Problems	Ratio of Inmates Needing Service to Community Programs
Adams	90	9	85	28	145	48
Armstrong	13	2	21	4	21	5
Bedford	26	7	35	18	62	21
Blair	92	8	86	11	196	18
Bradford	34	4	36	7	79	16
Butler	41	5	83	12	127	16
Cambria	36	4	29	5	66	9
Cameron	6	2	4	1	7	1
Carbon	18	2	27	1	26	2
Centre	23	3	35	9	58	8
Clarion	12	3	17	9	31	10
Clearfield	57	8	92	12	157	79
Clinton	15	3	17	4	30	3
Columbia	17	4	17	6	26	2
Crawford	36	4	43	5	58	19
Elk	8	2	13	7	24	12
Fayette	154	17	127	25	258	52
Forest	3	1	4	2	6	3
Franklin	86	-	97	7	172	29
Fulton	16	3	15	2	26	4
Greene	30	3	19	4	45	5
Huntingdon	20	4	22	3	47	47
Indiana	23	2	18	2	48	10
Jefferson	31	-	50	-	89	-
Juniata	6	1	8	1	12	4

	Education		Mental Health		Alcohol and Drug Addiction	
County	# of Inmates <12 <sup>th</sup> Grade	Ratio of Inmates Needing Service to Community Programs	# of Inmates with MH Needs	Ratio of Inmates Needing Service to Community Programs	# of Inmates with Substance Abuse Problems	Ratio of Inmates Needing Service to Community Programs
Lawrence	55	6	56	19	80	16
Lycoming	79	7	117	7	219	15
McKean	28	4	43	5	53	27
Mercer	39	7	69	12	97	9
Mifflin	26	9	37	5	72	36
Monroe	67	10	70	10	124	14
Montour	7	1	14	2	21	2
Northum-Berland	51	5	59	12	101	17
Perry	22	3	27	7	44	15
Pike	19	2	27	3	42	7
Potter	2	0	5	1	7	4
Schuylkill	77	9	82	16	149	37
Snyder	28	5	34	4	54	6
Somerset	27	14	38	19	72	36
Sullivan	3	1	3	1	2	1
Susquehanna	13	2	20	10	25	8
Tioga	16	2	15	3	29	4
Union	27	3	31	4	51	5
Venango	50	8	71	9	124	25
Warren	28	5	33	8	63	11
Washington	63	5	78	7	190	11
Wayne	28	3	42	4	63	7
Wyoming	20	4	17	3	36	4
<b>Total</b>	<b>1668</b>	<b>9</b>	<b>1988</b>	<b>13</b>	<b>3534</b>	<b>22</b>

Source: Data runs and other information supplied by PADOC

## CONCLUSIONS

Reentry is the process of leaving jail or prison and returning to the community (Soloman et al., 2008). A key component of reentry is the treatment the offender received while incarcerated. Whether all of the offenders' risks and needs were addressed during incarceration significantly influences the offenders' risk of recidivating (Austin et al., 2002; Burke & Tonry, 2006). The needs that should be addressed during treatment are criminogenic needs, those factors related to offending which can be changed. There are eight criminogenic risk factors that contribute to reoffending and thus to reentry outcomes: criminal history, antisocial personality pattern, procriminal attitudes, social supports for crimes, substance abuse, family/marital relationships, school/work, and prosocial recreational activities (Andrews & Bonta, 2006). Programs that are effective work within the context of sound theories of criminal behavior and evidence-based treatment models. Cognitive-behavioral treatment (CBT) programs are the most effective in reducing recidivism by focusing on what and how the offender is thinking. Overall, the two most challenging factors in the reentry equation are employment and housing.

Those offenders reentering rural areas tend to face more challenges compared to offenders reentering urban areas. Rural areas are limited in their access to vital resources (e.g. mental health, drug and alcohol services, transportation). Also, rural jails are funded by a disadvantaged tax base, which leaves the jails with fewer resources to operate, hire and retain employees, and provide programming (Zajac & Kowalski, 2012; Ruddell & Mays, 2006; Wodahl, 2006). In Pennsylvania, there are restrictions in both employment and housing that offenders' must face upon reentry. Since rural areas often tend to rely on one major economic source, such as farming, this leaves offenders in rural areas of Pennsylvania at even more of a disadvantage with the added employment restrictions (Wodahl, 2006). Also, in rural areas,

housing is a prevailing issue because affordable and quality rental properties are typically unavailable (Housing Assistance Council, 2003). Therefore, offenders are restricted even more in finding housing in Pennsylvania with quality housing being unavailable and the added housing restrictions. Offenders who have committed a sexual offense face even greater challenges in finding housing and employment in Pennsylvania. In sum, along with the challenges of finding employment and housing, there are gaps in rural reentry that still need further exploration, such as transportation, education, and homelessness.

Based upon the findings of this study, rural reentry will continue to be an important issue, as the projection is for a slight increase over time in the number of inmates returning to rural areas, especially inmates released from state prisons. Employment, housing, and transportation emerge from this study as key challenges facing inmates returning to rural areas. The stigma of the released inmate being an “ex-con” also contributes to difficulties in the areas of employment and housing, as identified by the state corrections officials interviewed. There are several restrictions for those with criminal records when trying to obtain employment and housing. For employment, offenders are restricted from working with children, as well as prohibited to work as aircraft/airport employees, nursing home worker, private detective, bank employee, and more (see Appendix D). As for housing, the U.S. Department of Housing and Urban Development has specific protocol for those with criminal records or suspected of conducting criminal activity in the household which restricts offenders from obtaining housing, including guidelines for when sex offenders should be prohibited from being given housing. Transportation in rural areas is an important issue considering the dearth or even complete absence of public transit to aid released inmates in getting to work, treatment appointments and meetings with their parole agents.

This study found that social services for released inmates are unevenly distributed between rural counties, with some counties being in a much better position than others to offer a variety of human and social services to released inmates. Moreover, this study found that social services *may* actually be more readily available in rural counties as opposed to urban areas, although the evidence on this question is mixed. But, released offenders must compete with non-offenders for community social services that are available. And, much more needs to be learned about the actual capacity and quality of the programs that are available in rural Pennsylvania. While there does appear to be a reasonably large number of programs in rural Pennsylvania targeting needs such as substance abuse, there are very few if any cognitive-behavioral programs that address key criminogenic needs such as anti-social attitudes (“criminal thinking”) and poor decision making skills that are common to many offenders. There are also very few specialized community reentry programs for returning sex offenders. The findings of this study suggest several directions for public policy, discussed next.

## **POLICY CONSIDERATIONS**

Based upon the data collected for this study, the researchers offer the following policy considerations that may inform efforts to enhance reentry for state and county inmates being released to rural areas of Pennsylvania.

First, one of the most salient themes to emerge from this study is the central role played by transportation in the reentry experience of rural inmates. While there was some disagreement between state level corrections officials and county jail wardens over the challenges posed by transportation, it does appear that limited transportation (especially public transit) does present a significant obstacle to inmates returning to rural areas, compared to urban areas. Returning

inmates often do not have their own vehicles, especially when they are first released from prison or jail. This can be especially acute for returning state inmates, who have typically been incarcerated for longer periods than county inmates, and thus are more likely to have lost any transportation resources they might have had prior to incarceration. Returning inmates have a multitude of needs for transportation - to get to job interviews and jobs, to search for housing, to attend treatment groups, to access health care (including mental health) and even to make meetings with their parole agents. Public transit (busses, rail) is less common in rural areas than in urban, and while cabs may be available, these are more expensive than mass transit. Given the distances between venues in rural areas, walking is often not an option. Short of relying on family or friends for rides to necessary appointments and venues, released inmates often have few transportation options. This problem can be especially an issue for certain classes of released inmates, such as sex offenders, who may be faced with restrictions on where they can live, often ruling out residence in the more developed areas of rural counties where social services and jobs are more available. Transportation, then, can be seen as the linchpin in the reentry experience, as it ties together so many other elements of successful reintegration.

While the PADOC indicates that it has been making efforts to provide more transportation for paroled inmates while they live in Community Corrections Centers/Facilities, this does not help released inmates once they have left those CCC/F's, nor does this provide any help to inmates who have maxed out on their sentences and are under no supervision. It is also unclear that either the PADOC, or the PBPP, have the resources to serve as the "one stop shop" for the transportation needs of released inmates.

Transportation challenges faced by released inmates are of course embedded within the larger problem of transportation infrastructure for all citizens living within rural areas. Indeed, a

recent report by the American Society of Civil Engineers found that 45% of Americans have no access to public transit of any sort, and that millions more have only limited access<sup>13</sup>. This report can offer no clear answers to the broader transportation challenges facing rural areas. Clearly, though, any efforts made to enhance general mass transit systems within rural areas will redound to the benefit of released inmates. Short of that, funding options may be made available to the PADOC and PBPP to enhance their existing efforts to assist released inmates with transportation. Families of released inmates can also be made more cognizant during the release planning process of the importance of assisting their loved ones in getting to their appointments, but the natural limiter here is the capacity and willingness of the families themselves to help out. Better efforts may also be made to locate housing for released inmates nearer to centers of employment and social services within rural counties, but ex-offenders often reside with family who may themselves be dispersed in more remote areas. Thus, there is also a natural limiter here to the ability to concentrate released inmates in the areas most convenient to jobs and services. Clearly, though, transportation emerges as an important issue in the reentry process in Pennsylvania, and should be included in any policy discussions surrounding reentry.

Second, interviews with state and local corrections officials also suggests that there is a dearth of mental health services for returning inmates in rural areas. Most notably, interviewees noted a lack of psychiatrists in these areas, requiring returning inmates with serious mental illness to travel great distances for intensive mental health services. In addition, aftercare programs for sex offenders, and support services for family members of returning inmates were also noted as lacking. Indeed, referring back to Table 5, this study found only 14 programs for sex offenders in the community across all of the 48 rural counties. Thus, efforts to expand the

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<sup>13</sup> See: "Engineering group gives nation a "D+" on infrastructure." Post-Gazette.com March 19, 2013.  
<http://www.post-gazette.com/stories/news/us/engineering-group-gives-nation-a-d-on-infrastructure-679915/>

capacity for community mental health services, sex offender programs, and family support programs (i.e. counseling programs to assist families in meeting the needs of their returning loved ones) would promote successful reentry within these rural communities. As with transportation, it is beyond the scope of this report to suggest how to support the expansion of such services, but the importance of such services for returning offenders is an important policy consideration deriving from this study.

Third, this study has documented the almost complete absence of community programs that directly and rigorously address the key criminogenic needs of offenders, such as antisocial attitudes and peer associates, decision making and problem solving skills and coping skills. As noted in the literature review above, attention to these needs is critical to the rehabilitation of offenders and to the reduction of recidivism. Evidence-based program models attending to such needs clearly exist, such as the *Thinking for a Change* program discussed earlier, and such programs are commonly operated in many prison systems, including the PADOC (MacKenzie, 2006). While such programs are offered in some of the Community Corrections Centers and Contract Facilities operated by the PADOC, these CCC/F's are widely dispersed within rural communities and do not serve all released offenders. As discussed earlier, the PBPP's new ASCRA initiative may be one mechanism for delivering these services, at least to released offenders under parole supervision. While the ASCRA initiative has not yet been rigorously evaluated, expansion of the ASCRA initiative may be a policy consideration worth exploring to meet these important criminogenic needs of ex-offenders and to build upon these services delivered while in prison. As also noted earlier, the PADOC is revamping its entire system of contracted CCF's, which may also become a vehicle for enhancing the provision of evidence-based services targeting these criminogenic needs. It seems likely that any effort to expand such

services in the community will require the involvement of the PADO and PBBP, as well as county jails and probation departments, as such services by their very nature are of use only to offender populations. Once again, it is within the scope of this report to strongly suggest the criticality of such services to the reentry process.

Fourth, on a related point, this study found that there are almost no community-based sex offender programs in the rural counties. Indeed, only 11 of the 48 rural counties were found to have any sort of sex offender program, and in most of those counties it was only a single program. Moreover, most of these “programs” seemed to be simply individual counselors (often psychologists or social workers) who were listed as providing some sort of services to sex offender. Thus, there are few offense specific reentry services available to sex offenders returning to rural Pennsylvania. One option for expanding reentry resources for sex offenders is the nascent Circles of Support and Accountability (COSA) model (Hannem and Petrunik, 2007). The COSA approach is based on restorative justice principles and employs a network composed primarily of volunteers guided by a professional counselor that provides support services to returning sex offenders and establishes behavioral contracts with these offenders to enforce accountability to agreed-upon standards of behavior. Typically, each COSA “circle” has between five and ten support members around a given sex offender, with individualized support services and assistance provided as needed. While COSA has been used more extensively in the United Kingdom and Canada, it is relatively new to the United States. There is some preliminary research suggesting that COSA does reduce recidivism rates, but it must be cautioned that while this approach is promising, it is not yet fully proven (Elliott & Beech, 2012; Wilson, et al, 2009). But, it may be worth exploring as an option for sex offenders returning to rural Pennsylvania. The Principal Investigator for the current study (Zajac) is also presently involved with several

other colleagues from Penn State in a preliminary national evaluation of COSA, funded by the National Institute of Justice. One of the national COSA evaluation sites is in Lancaster County, which may serve as a source of information for any efforts to replicate the COSA model in other Pennsylvania counties<sup>14</sup>.

Fifth, this study provides evidence that rural county jails currently offer relatively few reentry services prior to release. These jails should be supported in their efforts to enhance their capacity to deliver reentry programming to soon-to-be-released inmates. Such programming can and should include interventions addressing basic rehabilitative deficits such as job readiness and life skills (e.g. money management), but must not ignore the underlying thinking errors and poor decision making and problem skills that are so strongly related to reentry outcomes (Bucklen and Zajac, 2009; MacKenzie, 2006). It is important that any new jail reentry programs do not simply replicate approaches that have been found to be ineffective, such as the aforementioned COR program. Moreover, the new reentry initiatives currently underway within the PADO, and any new programs that may be fostered within county jails, should undergo thorough program evaluation to determine their effectiveness in promoting reintegration and reducing recidivism. The design and development of effective reentry interventions is an ongoing and iterative process that must be informed through feedback of knowledge about program performance into policy and program development and to support organizational learning and planned change (Zajac and Comfort, 1997; Welsh and Harris, 2012). This is to say that program development is not a once and done process, and rigorous program evaluation is key to sustaining successful reentry services.

Sixth, one of the more notable findings of this study is that none of the rural county jails

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<sup>14</sup> See the following link for more information on Lancaster County's COSA program:  
<http://www CCP.org/CCPPROGRAMS/CIRCLESOFSUPPORT.HTML>

reported undertaking any sort of populations projections estimations. The county jail populations projections presented in this report represents only the most rudimentary start to estimating changes in the population of these jails. Populations projections is an extremely complex and technical activity. It is reasonable to suggest that the development of a rigorous projections system is likely to be beyond the resources of any individual small jail. These jails are not likely to have the in-house staff capacity, or the funds, to create such a system on their own. The development of a county jail population projections “dashboard” (serving both rural and urban counties) may be more feasibly supported by a statewide criminal justice planning agency such as the Pennsylvania Commission on Crime and Delinquency. Such a dashboard could show up-to-date projections for admissions, instant population and releases for each county jail, out to whatever period is desired (e.g. 1 year, 5 years, 10 years) and including projected inmate demographics. Such an undertaking can be informed and guided by the efforts made by the PADOCA over the past several years in the refinement of its own projections system<sup>15</sup>. Another option may be for the rural county jails to collaborate collectively, or at least regionally, on the development of the overall methodology and architecture for such a projections system, which can then be tailored to the context of individual jails. It should be noted that such systems come at some cost, with the PADOCA having spent to date in excess of \$60,000 on the ongoing development of its own system<sup>16</sup>. But, populations projections is a valuable component of any modern correctional system, given the importance of timely estimates of population changes for jail and prison policymaking, planning and budgeting.

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<sup>15</sup> See the following link to the PADOCA Key Indicators Dashboard as an example of how a dashboard could be structured: [http://www.cor.state.pa.us/portal/server.pt/community/major\\_initiatives/21262](http://www.cor.state.pa.us/portal/server.pt/community/major_initiatives/21262)

<sup>16</sup> Communication with Bret Bucklen, Director of the Bureau of Planning, Research and Statistics, Pennsylvania Department of Corrections, March 7, 2013.

Seventh, while the PADOC and PBPP, and to a lesser extent the county jails, currently make directories of community based services available to returning inmates and their families, this approach may be less efficient than the evolving PA 2-1-1. PA 2-1-1 is a simple telephone service that connects callers to information regarding health and human services available in their community. 2-1-1 can link callers to any of the thousands of community agencies represented in Table 5 above. 2-1-1 provides access to the following services: basic human needs (e.g. food banks, clothing, shelters, rent assistance, utility assistance), physical and mental health resources (e.g. medical information lines, crisis intervention services, support groups, counseling, drugs and alcohol intervention, health insurance programs, Medicare and Medicaid), employment support (e.g. unemployment benefits, financial assistance, job training, transportation assistance, education programs), support for older Americans and persons with disabilities (e.g. home health care, adult day care, Meals on Wheels, transportation), support for children, youth and families (e.g. quality child care, after school programs, Head Start, mentoring, tutoring, summer camps and recreation programs), and volunteer opportunities and donations. Nationally, 2-1-1 reaches about 270 million people, covering all 50 states including the District of Columbia and Puerto Rico (Pennsylvania 2-1-1 Central Region, 2012).

In Pennsylvania, the 2-1-1 program has been activated in 6 out of 7 regions in the state, with the Northwest region of PA being the only region without a live 2-1-1 call center<sup>17</sup>. The PA 2-1-1 is administered by a state-wide board of directors. The board has the authority to award Call Center status to units throughout the state. Most of the active regions are installing services county by county with the projection that all counties will have 2-1-1 access by the end of 2013. 2-1-1 centers are funded by the following sources: local United Ways, community foundations,

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<sup>17</sup> The following link provides a map of the 7 call center regions statewide:  
<http://www.pa211central.org/locations.html>

Federal, state, and local government funds. 2-1-1's goal of providing vital information which benefits individuals and communities reflects the mission of the 1,400 United Ways nationwide to improve people's lives (United Way & AIRS 2-1-1, 2012).

A cost-benefit analysis regarding 2-1-1 was conducted by the University of Texas Ray Marshall Center for the Study of Human Resources in December 2011. They found that when an individual is looking for information or referral services, the individual tends to have little or no prior knowledge or experience; therefore, dialing 2-1-1 is much easier compared to other options, such as a handbook that may be given to ex-offenders. They also found that general information systems, like 4-1-1, disseminate information that is too general and can have a fee. A national service, such as 2-1-1, is predicted to provide \$1.1 billion in net value nationally over the next 10 years (United Way & AIRS 2-1-1, 2012).

PA 2-1-1 then affords to released inmates (or anyone in the community) a one stop shop for information about and referral to a wide variety of community services and programs. It may be easier to instruct inmates to take advantage of PA 2-1-1 than to expect them to self-navigate a complex paper directory of community programs, which by its very nature is of limited value to released inmates with low levels of literacy. Thus, an investment by the state in the full development and utilization of PA 2-1-1 Direct may be an important advancement in the reentry process.

Eighth, while the current study has explored rural reentry from a variety of angles, much more research is needed on this topic. One aspect of this line of inquiry that was not included in the present study is the exploration of released inmates perceptions of and personal experiences with return to rural communities. Future research should gather data directly from released and soon-to-be released inmates, to examine what they report as key challenges and concerns about

their reentry. Data collection from offenders, especially those in the community, is more difficult, expensive and time consuming than the work undertaken in this study. But, such offender-focused research holds the potential to contribute greatly to our understanding of rural reentry in Pennsylvania. Methodological guidance may be taken from the research on successful and unsuccessful parolees in (primarily urban) Pennsylvania conducted by Bucklen and Zajac (2009), albeit with a specific rural focus. Further, as alluded to earlier, several interviewees noted that some rural counties are much more “rural” than others, and thus pose their own set of challenges. Future research should take account of the variation not only between rural and urban counties, but also between rural counties themselves. The category of “rural” may be too broad to capture all the complexities of prisoner reentry to non-urban areas. This is to say, rural reentry may fall out into several different typologies of “rural”, each with their own unique challenges.

Finally, one of the other noteworthy findings of this study is the obstacle that stigma may play in rural reentry. This was a recurrent themes coming out of the interviews and surveys with corrections officials. To the extent that released inmates are simply not accepted by others within their communities, or are viewed as second class citizens, their reentry experience is jeopardized. It is of course difficult to legislate changes in prevailing attitudes. This report cannot offer clear guidance on how to overcome the stigmatization of released inmates, but does note that this may be an important challenge to reentry. Efforts may be made to better prepare soon-to-be-released inmates on how to respond to challenges and suspicions by members of the communities to which they return, much as some job readiness programs teach them how to answer prospective employers' questions about their criminal records by offering candid disclosure of their past mistakes and emphasizing the contributions that they can make as

employees and citizens. Public educational campaigns can also be developed to better inform community members of the contributions they can make to help released inmates succeed and thus to reduce the risk of future crimes. Offender reentry is a community effort. The benefits of successful reentry are enjoyed by the entire community, and conversely the costs of failed reentry are borne by that same community.

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***An Examination of Rural Prisoner Reentry Challenges***  
**Interview Protocol**

**Date** \_\_\_\_\_

**Agency** \_\_\_\_\_

**Interviewee (Job Title)** \_\_\_\_\_

**Introduction/Consent**

The purpose of our study is to gain a better understanding of the challenges, issues, programs, and services associated with inmate reentry, especially as it relates to reentry to rural communities. We are conducting this study on behalf of and with support from the Center for Rural Pennsylvania, which is a legislative service agency that focuses on issues affecting the rural areas of the Commonwealth.

This interview will involve discussing key reentry topics and issues in terms of how they represent a challenge related to *rural* reentry. Later, we will also ask you to refer us to someone within your agency who can speak with us about the reentry services and programs provided by your agency.

Please note that you do not have to answer any question that you do not want to answer, nor reveal any information you do not wish to. Please read the consent form and sign the bottom if you agree to participate.

Before we proceed, do you have any questions?

## **Part 1: Key Reentry Challenges and Issues**

With each of our questions, please answer based on your experiences as an executive within a criminal justice agency/organization. We are not asking for your own, personal opinions about reentry, but simply the extent to which, based on your position or role, you rate these topics as a challenge or issue to reintegrating the former inmates under your agency's custody.

1. As it relates to rural reentry, please rate **employment**, overall, on a scale of 1 to 10, with 1 being not an issue or challenge, 5 being a moderately significant issue or challenge, and 10 being a very significant issue or challenge (HAND OUT REMINDER CARD).
  - There are also a number of sub-items related to employment. As I read each, please rate the extent to which it is a challenge, using the same scale, and then explain the rating.

Employment										
	1. Not An Issue/Challenge	2	3	4	5. Moderately Significant Issue/Challenge	6	7	8	9	10. Very Significant Issue/Challenge
<b><i>Overall</i></b>										
<i>Job opportunities available to returning inmates</i>										
	Please explain:									
<i>Wages available to returning inmates</i>										
	Please explain:									
<i>Employer receptivity to hiring returning inmates</i>										
	Please explain:									
<i>Employment restrictions for "hard to place" offenders (e.g., sex offenders)</i>										
	Please explain:									
<i>Job training provided &amp; available to returning inmates</i>										
	Please explain:									
<i>Job readiness skills (i.e., how to find a job)</i>										
	Please explain:									

<p><i>"Soft skills" of employment (i.e., how to keep a job; e.g., punctuality)</i></p>		<input type="checkbox"/>								
	Please explain:									

(PROMPT:) What is the single greatest challenge related to employment issues?

(PROMPT 2:) Are there any important differences between rural and urban reentry in terms of employment issues?

(PROMPT 3:) Do you have any other comments related to employment?

2. As it relates to rural reentry, please rate **housing**, overall, on the same 1-10 scale.  
 - Please rate the following sub-items related to housing, and explain the rating.

Housing										
	1. Not An Issue/Challenge	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5. Moderately Significant Issue/Challenge	<input type="checkbox"/> 6	<input type="checkbox"/> 7	<input type="checkbox"/> 8	<input type="checkbox"/> 9	<input type="checkbox"/> 10. Very Significant Issue/Challenge
<b>Overall</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Housing available to returning inmates, including with family</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Cost of housing</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Housing restrictions for "hard to place" offenders (e.g., sex offenders)</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(PROMPT:) What is the single greatest challenge related to housing issues?

(PROMPT 2:) Are there any important differences between rural and urban reentry in terms of housing issues?

(PROMPT 3:) Do you have any other comments related to housing?

3. As it relates to rural reentry, please rate **family support**, overall, on the same 1-10 scale.  
 - Please rate the following sub-items related to family support, and explain the rating.

Family Support											
	1. Not An Issue/Challenge	2	3	4	5. Moderately Significant Issue/Challenge	6	7	8	9	10. Very Significant Issue/Challenge	
<b>Overall</b>											
<i>Ability and willingness of families to provide support</i>											
	Please explain:										
<i>Support to families themselves</i>											
	Please explain:										
<i>Parenting duties facing returning inmates</i>											
	Please explain:										

(PROMPT:) What is the single greatest challenge related to family support issues?

(PROMPT 2:) Are there any important differences between rural and urban reentry in terms of family support issues?

(PROMPT 3:) Do you have any other comments related to family support?

4. As it relates to rural reentry, please rate deficits in key **life skills** on the same 1-10 scale, and then explain your rating.

Deficits in Key Life Skills											
	1. Not An Issue/Challenge	2	3	4	5. Moderately Significant Issue/Challenge	6	7	8	9	10. Very Significant Issue/Challenge	
Deficits in key life skills (e.g., money management)											

(PROMPT:) Which life skills represent the largest deficit for inmates?

(PROMPT 2:) Are there any important differences between rural and urban reentry in terms of life skills issues?

(PROMPT 3:) Do you have any other comments related to life skills?

5. As it relates to rural reentry, please rate the availability of **rehabilitative programming** (such as treatment services and programs) on the same 1-10 scale, and then explain your rating.

Availability of Rehabilitative Programming											
	1. Not An Issue/Challenge	2	3	4	5. Moderately Significant Issue/Challenge	6	7	8	9	10. Very Significant Issue/Challenge	
Availability of treatment services and programs in rural areas											

(PROMPT:) Which specific program types are most lacking in rural areas?

(PROMPT 2:) Are there any important differences between rural and urban reentry in terms of rehabilitative programming issues?

(PROMPT 3:) Do you have any other comments related to rehabilitative programming?

6. As it relates to rural reentry, please rate the availability of **health services**, overall, on the same 1-10 scale.  
 - Please rate the following sub-items related to health services, and explain the rating.

Health Services										
	1. Not An Issue/Challenge	2	3	4	5. Moderately Significant Issue/Challenge	6	7	8	9	10. Very Significant Issue/Challenge
<b>Overall</b>										
<i>Availability of &amp; access to medical health services</i>										
	Please explain:									
<i>Availability of &amp; access to mental health services</i>										
	Please explain:									
<i>Ability to pay for health services in rural areas</i>										
	Please explain:									

(PROMPT:) What is the single greatest challenge related to health services?

(PROMPT 2:) Are there any important differences between rural and urban reentry in terms of health services?

(PROMPT 3:) Do you have any other comments related to health services?

7. As it relates to rural reentry, please rate **transportation availability** on the same 1-10 scale and explain your rating.

Transportation										
	1. Not An Issue/Challenge	2	3	4	5. Moderately Significant Issue/Challenge	6	7	8	9	10. Very Significant Issue/Challenge
<i>Transportation availability (e.g., to access to needed services)</i>										
	Please explain:									

8. There are a number of other criminogenic needs of inmates returning to rural areas. To what extent are the following issues or challenges as they relate to these needs:

Other Criminogenic Needs											
	1. Not An Issue/Challenge	2	3	4	5. Moderately Significant Issue/Challenge	6	7	8	9	10. Very Significant Issue/Challenge	
<u>Thinking errors</u> (e.g., antisocial attitudes, decision making/ problem solving) & <u>emotional readiness</u> (e.g., coping skills)											
	Please explain:										
Antisocial peers											
	Please explain:										

(PROMPT:) What is the single greatest challenge related to criminogenic needs?

(PROMPT 2:) Are there any important differences between rural and urban reentry in terms of these criminogenic needs?

(PROMPT 3:) Do you have any other comments related to these criminogenic needs?

9. Are there any other major challenges or issues in rural reentry that you would rate, using the same scale, as some degree of significance?

- (If so, please explain them and your rating.)

	1. Not An Issue/Challenge	2	3	4	5. Moderately Significant Issue/Challenge	6	7	8	9	10. Very Significant Issue/Challenge

10. Finally, given all of the issues we've discussed related to rural reentry, do you have any specific suggestions or policy recommendations about how to overcome or mitigate these challenges?

Thank you for your time and help with this project; your insight is extremely valuable. Before we leave today, is there anyone else you would recommend we speak with at or outside your agency?

Other recommended interviewees:

## **Part 2: Reentry Programs & Services Provided to Returning Inmates in General and in Rural Areas**

Can you please indicate who within your agency can answer the following questions about specific reentry services and programs that your agency provides to inmates [*these questions should not be asked of each respondent, but only the key informant(s) designated by agency leadership*].

*(For each of the following questions, prompt: Do these differ by rural/urban setting?)*

1. First, what reentry programs, services, resources, and/or other supports are offered by [NAME AGENCY] to inmates prior to release?
  
  
2. What reentry programs, services, resources, and/or other supports are offered by [NAME AGENCY] to inmates after release – such as in Community Corrections Centers?
  
  
3. Are there any specific community-based organizations or services that your agency commonly refers released inmates to? PROMPT: COMMUNITY ACTION AGENCY, VOCATIONAL TRAINING CENTER, ETC.
  - (If so, how are these referrals made?)
  
  
4. Are there special reentry programs, services, resources, and/or other supports directed to inmates returning to rural areas in particular?
  
  
5. Is your agency developing any new reentry initiatives, specifically focusing on rural reentry?
  
  
6. Does your agency have any policies or programs for “hard to place” returning inmates, in terms of both housing and/or employment?
  
  
7. Does your agency have any policies or programs targeting employer receptivity to hiring returning inmates?
  
  
8. Does your agency have any policies or programs to address issues with transportation?

## **Wrap-Up**

Finally, we would like to ask if we can have a copy of any reentry manuals, handbooks, community resource directories, or other materials used by agency staff, or supplied to inmates directly, as part of the reentry preparation process, especially if it relates to rural reentry. If you have any materials like this, can we have copies?

Thank you once more and please do not hesitate to contact us with any questions, concerns, or to provide additional information.

## PENNSYLVANIA RURAL PRISONER REENTRY CHALLENGES

**Please return in the envelope we have provided by October 12, 2012.**

Name of Your Jail: \_\_\_\_\_

## PART 1: KEY REENTRY CHALLENGES AND ISSUES

With each of our questions, please answer based on your experiences as a rural county jail warden. We are not asking for your own, personal opinions about reentry, but simply the extent to which, based on your position, you rate these topics as a challenge or issue to reintegrating your jail's inmates.

For the following reentry topics, please circle the number that reflects how challenging each topic is for inmates leaving your jail, using a scale where:  
1 indicates the topic is NOT AN ISSUE/CHALLENGE, 5 indicates that it is MODERATELY SIGNIFICANT ISSUE/CHALLENGE, and 10 indicates that it is VERY SIGNIFICANT ISSUE/CHALLENGE.  
Note: Some topics may be of equal importance to you, thus it is OK for some topics to receive the same score as other topics.

Reentry Topic	Rating Scale (Circle the number that reflects how challenging the topic is for inmates leaving your jail)									
	NOT AN ISSUE/CHALLENGE			MODERATELY SIGNIFICANT				VERY SIGNIFICANT CHALLENGE		
<b>1a. Employment</b>										
Job opportunities available to returning inmates	1	2	3	4	5	6	7	8	9	10
Wages available to returning inmates	1	2	3	4	5	6	7	8	9	10
Employer receptivity to hiring returning inmates	1	2	3	4	5	6	7	8	9	10
Employment restrictions for "hard to place" offenders (e.g., sex offenders)	1	2	3	4	5	6	7	8	9	10
Job training provided & available to returning inmates	1	2	3	4	5	6	7	8	9	10
"Soft skills" of employment (i.e., how to find a job, how to keep a job; punctuality)	1	2	3	4	5	6	7	8	9	10

1b. Do you have any comments related to employment?

**Rating Scale**

(Circle the number that reflects how challenging the topic is for inmates leaving your jail)

**Reentry Topic****NOT AN ISSUE/CHALLENGE****MODERATELY SIGNIFICANT****VERY SIGNIFICANT CHALLENGE****2a. Housing**

Availability of housing for returning inmates	1	2	3	4	5	6	7	8	9	10
Cost of housing	1	2	3	4	5	6	7	8	9	10
Housing restrictions for "hard to place" offenders (e.g., sex offenders)	1	2	3	4	5	6	7	8	9	10

**2b. Do you have any comments related to housing?**


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**3a. Family Support**

Ability of families to provide support	1	2	3	4	5	6	7	8	9	10
Support given to families to assist returning inmates	1	2	3	4	5	6	7	8	9	10
Parenting duties facing returning inmates	1	2	3	4	5	6	7	8	9	10

**3b. Do you have any comments related to family support?**


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**4a. Deficits in Key Life Skills**

Deficits in key life skills (e.g. money management, time management)	1	2	3	4	5	6	7	8	9	10
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**4b. Which life skills are most lacking?**


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**Rating Scale**

(Circle the number that reflects how challenging the topic is for inmates leaving your jail)

**Reentry Topic****NOT AN ISSUE/CHALLENGE****MODERATELY SIGNIFICANT****VERY SIGNIFICANT CHALLENGE****5a. Availability of Rehabilitative Programming**

Availability of treatment services and programs in your county	1	2	3	4	5	6	7	8	9	10
--	---	---	---	---	---	---	---	---	---	----

**5b. Which specific program types are most lacking in your county?**


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**5c. Do you have any comments related to rehabilitative programming?**


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**6a. Health Services**

Availability of & access to <u>medical health</u> services	1	2	3	4	5	6	7	8	9	10
Availability of & access to <u>mental health</u> services	1	2	3	4	5	6	7	8	9	10
Ability to pay for health services in rural areas	1	2	3	4	5	6	7	8	9	10

**6b. Do you have any comments related to health services?**


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**7a. Transportation**

Transportation availability	1	2	3	4	5	6	7	8	9	10
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**Rating Scale**

(Circle the number that reflects how challenging the topic is for inmates leaving your jail)

**Reentry Topic****NOT AN ISSUE/CHALLENGE****MODERATELY SIGNIFICANT****VERY SIGNIFICANT CHALLENGE**7b. Do you have any comments related to transportation? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**8a. Criminogenic Needs**

Thinking errors (e.g., antisocial attitudes, decision making/problem solving) & Emotional readiness (e.g., coping skills)	1	2	3	4	5	6	7	8	9	10
Antisocial peers	1	2	3	4	5	6	7	8	9	10

8b. Do you have any comments related to criminogenic needs? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**9. If there are any other major challenges or issues in rural re-entry that we have missed, please list them and your rating, using the same 10-point scale.**

	1	2	3	4	5	6	7	8	9	10
	1	2	3	4	5	6	7	8	9	10
	1	2	3	4	5	6	7	8	9	10
	1	2	3	4	5	6	7	8	9	10

**10. Do you have any specific suggestions or policy recommendations about how to overcome or mitigate the challenges related to rural reentry?**

## PART 2: REENTRY PROGRAMS & SERVICES TO RETURNING INMATES IN GENERAL AND IN RURAL AREAS

1. If you do population projections, what are your projected releases, up to five years in the future?
  2. What reentry programs, services, resources, and/or other supports are offered by your jail to inmates?
  3. Are there any specific community-based organizations or services that your jail commonly refers released inmates to?

4. Is your jail developing any new reentry initiatives to deal with rural reentry issues?

5. Would you be willing to participate in a focus group that we may convene at Penn State to discuss these issues further?

Yes

No

#### **Other Materials**

Finally, we would like to ask if we can have a copy of any reentry manuals, handbooks, or other materials used by jail staff, or supplied to inmates directly, as part of the reentry preparation process. If you are able to, please, include copies with your mailed response, or send electronic files to Gary Zajac at [gx3@psu.edu](mailto:gx3@psu.edu). Thank you for your time and help with this project; your insight is extremely valuable. Please do not hesitate to contact us with any questions, concerns, or to provide additional information.

**THANK YOU FOR PARTICIPATING IN THIS SURVEY!**

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# **Legal Remedies and Limitations on the Employment of People with Criminal Records in Pennsylvania**

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**Updated: September 2011**

## **ACKNOWLEDGMENTS**

Many people made this report possible. Community Legal Services would especially like to thank Jay Hochberg, who provided invaluable research for the original version of this report while a student at the University of Pennsylvania Law School.

This report was supported by a grant from The After-Prison Initiative of the Open Society Institute.

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**The list of employment restrictions contained in this paper is the result of CLS's review of Pennsylvania and U.S. statutes and regulations as of June, 2011. However, it is possible that other restrictions exist that have not come to our attention or that have passed since this report was written. We invite readers of this report to contact Community Legal Services if they discover any other employment restrictions not reported here.**

# **Legal Remedies and Limitations on the Employment of People with Criminal Records in Pennsylvania**

## **Introduction**

Like most Americans, ex-offenders need to be employed to support themselves and their families. Moreover, participation in the labor economy is central to most of our identities; our jobs play a major role in defining who we are. In short, employment is a lynchpin to the successful rehabilitation of ex-offenders and their full and productive participation in society.

Unfortunately, the very existence of any kind of a criminal record is frequently a significant barrier to being hired for a job, or once hired, keeping the job<sup>1</sup>. Increasing numbers of Americans indisputably are passing through the criminal justice system and thus experiencing this employment barrier. In 2007, more than 7.3 million people, or 3.1% of the country's adult population, were incarcerated, on probation or on parole in the United States, constituting one of 31 of U.S. adults. Rising unemployment rates make finding employment even more difficult for persons with criminal records, often limiting them to low-wage jobs that offer no future.

The options for ex-offenders who are looking for work are limited. They can try to clean up their criminal records through expungements or pardons, although these procedures are severely limited in Pennsylvania. They can attempt to enforce under-utilized legal remedies that limit the extent to which criminal records can be considered when employment decisions are made.<sup>2</sup> They can try to convince an employer to seek a bond against the risk of theft that the

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<sup>1</sup> Some employment or licensing restrictions may also apply to individuals who have “founded” or “indicated” reports of child abuse. Although they are civil in nature, “indicated” reports of child abuse often carry some of the same employment consequences as criminal convictions, without the procedural safeguards afforded to persons charged with crimes. Because child abuse reports can affect employment opportunities, a brief discussion of these reports is warranted; please see Appendix A.

<sup>2</sup> See Part III of this paper.

employer fears from employing an ex-offender. Most likely, they do not know of or cannot utilize any of these options, and their only alternatives are a long, dogged and often repetitive job search, work in the underground economy, or a return to a life of crime.

This report outlines the impact of criminal records on employment opportunities in Pennsylvania. In Part I, we discuss the overall legal framework applicable to the employment of people with criminal records. In Part II, we list occupations in which criminal records must be considered and which legally prohibit employment of some ex-offenders. In Part III, we discuss legal rights and remedies for ex-offenders in the employment context.

## **I. Employer Consideration of Criminal Records - Generally**

In many occupations, federal or state statutes require a criminal background check on new employment applicants. These laws usually mandate that the report be ordered from the Pennsylvania State Police (the PSP), the Federal Bureau of Investigation (the FBI), or both. These laws typically also list offenses or classes of offenses (such as felonies) that prohibit employment of the person with the criminal record in that field. In other occupations, a similar statutory mandated screening is done in the licensing process, usually by a State licensing board. These statutes tend to exist in care-giving and security professions. These laws are discussed in the next section.

For the vast majority of jobs, however, no such laws exist to control an employer's decision about an applicant with a criminal record. In those "unregulated" jobs, employers have a great deal of discretion whether or not to conduct a background check and hire an ex-offender. However, there are limits to this discretion, created by federal discrimination law and by state law that require employers to assess the suitability of the person despite the criminal record. These statutes are discussed in Part III.

## **II. Occupations Where Certain Ex-Offenders Are Prohibited By Law from Employment**

While all employers *may* use job-related criminal records in their hiring decisions, some employers *must* obtain criminal records and reject candidates with certain convictions. Both state and federal laws proscribe or restrict the hiring or licensing of individuals with particular types of convictions in the following professions. Note that these laws only govern convictions, not arrests that do not lead to convictions. Moreover, juvenile adjudications do not constitute disqualifying offenses.<sup>3</sup>

The following are summaries of criminal background restrictions on Pennsylvania workers in employment or licensing that are created by federal and state law. Ex-offenders whose employment could be impacted should check into the precise list of crimes prohibited by statute and regulation and compare it to their criminal history records as reported by the PSP.<sup>4</sup> Employers are encouraged to learn the exact provisions of the laws applicable to their jobs, so that they do not over-exclude persons whose offenses on their criminal records are not enumerated among the prohibitions.

### **Broad Restriction: “Working with Children”**

Recently-enacted restrictions on working with children do not fit neatly into any particular category listed below, and therefore merit a separate explanation. In late 2006, the Pennsylvania legislature amended the Child Protective Services Law (CPSL) to expand the prohibitions on employment of individuals working with children. While previously the CPSL had required background checks and prohibited certain employment of job applicants for schools and child care, it now applies as well to anyone with a “significant likelihood of regular contact

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<sup>3</sup> A juvenile adjudication is not a criminal conviction, and it does not impose any civil disability ordinarily resulting from a conviction. 42 Pa. C.S.A. § 6354(a).

<sup>4</sup> A PSP record can be ordered on-line: <https://epatch.state.pa.us/Home.jsp>.

with children” under his or her “care, supervision, control or training.” While the exact contours of the coverage of this law are still being determined, examples given by the statute are social workers, clergy, hospital personnel, mental health professionals, counselors, librarians and doctors. The definition is arguably overbroad and vague and may be read to apply to an extremely broad range of professions.<sup>5</sup> Persons determined to be covered by this law are required to obtain both FBI and PSP records, as well as child abuse records.<sup>6</sup>

The offenses which prohibit employment under the CPSL are as follows:

**May not hire individuals with founded child abuse reports **within last five years** or with convictions for homicide, aggravated assault, kidnapping, rape, various sex crimes, prostitution felonies, concealing death of child, endangering welfare of child, or pornography ever, or for drug felonies **within the last five years****

In 2004, the CPSL’s lifetime prohibition on the employment of people with aggravated assault convictions was determined to violate the Pennsylvania Constitution. Warren County Human Services v. State Civil Service Commission, 844 A.2d 70 (Pa. Commw.), *appeal denied*, 863 A.2d 1152 (Pa. 2004). The legislature has not yet modified the statute to make it constitutional by putting time limits on the lifetime disqualifications. Consequently, the Pennsylvania Department of Public Welfare has an interim policy permitting employers required to comply with the CPSL to hire persons with convictions of the enumerated crimes if the following requirements are met.

- The individual has a minimum five year aggregate work history in care dependent services since conviction of the crime or release from prison, whichever is later. Care dependent services include healthcare, elder care, child care, mental health services, mental retardation services, or care of the disabled.

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<sup>5</sup> 23 Pa. C. S. § 6344.2.

<sup>6</sup> 23 Pa. C.S. § 6344(b).

- The individual's work history in care dependent services may not include any incidents of misconduct<sup>7</sup>

## **Employment Prohibitions**

The following are professions in which employers are legally prohibited by law from hiring persons with certain offenses.

**Aircraft/Airport Employees** (applies to those with direct access to airplanes or secure airport areas and to security screeners)

**May not hire** individuals convicted of federal hijacking or other air crimes, murder, assault with intent to murder, espionage, treason, sedition, kidnapping, rape, extortion, armed robbery, weapons convictions, distribution (or intent to distribute) a controlled substance, or felonies involving: a threat, willful destruction of property, importation or manufacture of a controlled substance, burglary, theft/fraud, possession or distribution of stolen property, aggravated assault, bribery, or illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than **one year within last 10 years**. 49 U.S.C. § 44936; 14 C.F.R. §§ 107.209 and 108.229.

## **Armored Car Crew Member**

**May not** hire individuals with any conviction that disqualifies them from firearm license or permit. 15 U.S.C. § 5902.

## **Bank Employee**

**May not hire** individuals convicted of crimes of dishonesty, breach of trust, or money laundering without prior written consent of the Federal Deposit Insurance Corporation. FDIC has indicated that it considers drug offenses to be crimes of dishonesty.

FDIC may not give consent for a **minimum of 10 years** for crimes involving bribery /corruption in banking, embezzlement/theft, fraud or false statement in banking or bankruptcy transactions, obstructing the examination of a financial institution, or racketeering. 12 U.S.C. § 1829.

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<sup>7</sup> This policy is found in DPW Office of Children, Youth and Families Bulletin No. 3490-08-03 (June 27, 2008), at [http://www.pccyfs.org/dpw\\_ocyfs/Implementation\\_Act179\(2006\)\\_Act73\(2007\)\\_amending\\_CPSL.pdf](http://www.pccyfs.org/dpw_ocyfs/Implementation_Act179(2006)_Act73(2007)_amending_CPSL.pdf).

## **Child Care**

**May not hire** individuals with **founded** child abuse reports **within last five years** or with convictions for homicide, aggravated assault, kidnapping, rape, various sex crimes, prostitution felonies, concealing death of child, endangering welfare of child, or pornography **ever**, or for drug felonies **within the last five years**. 23 Pa. C.S. § 6344(c); 55 Pa. Code § 6000.22 (the Child Protective Services Law, or CPSL).

For more on the CPSL, including the unconstitutionality of its lifetime bars on employment and DPW's interim policy permitting persons with enumerated convictions to be employed, *see supra* at pages 6-7.

## **Child Care Workers in Federal Agencies or Facilities**

**May refuse employment** for a conviction involving a sex crime, offense involving child victim, drug felony, or any other crime that bears on fitness to work with children. 42 U.S.C. § 13041.

## **Employee Benefits Employee**

**May not hire** any individual (or assign fiduciary, trustee or officer) with convictions for robbery, burglary, extortion, embezzlement, fraud, theft, bribery, arson, murder, rape, drugs, kidnapping, perjury, assault with intent to kill for **13 years after conviction**. 29 U.S.C. §1111.

## **Nursing Home/Home Health Care/Other Workers in Long-Term Care Facilities**

**May not hire** individuals convicted of homicide, aggravated assault, kidnapping, rape, robbery, burglary, arson, theft (including two misdemeanors), various sex crimes, concealing death of child, endangering welfare of child, pornography, felony drugs **ever**. 35 P.S. § 10225.503(a) (known as the Older Adults Protective Services Act, or OAPSA).

In Nixon v. Commonwealth, 839 A.2d 277 (Pa. 2003), the Pennsylvania Supreme Court held that the lifetime criminal records ban of OAPSA violated the Pennsylvania Constitution as applied to petitioners because it did not provide an opportunity for them to prove their suitability for employment. Efforts are underway to amend OAPSA to reflect this decision. In the meantime, the Pennsylvania Department of Aging has an interim policy permitting people to work if they have a minimum five year aggregate work history in care dependent services since conviction of the crime or release from prison, whichever is later. [http://www.aging.state.pa.us/aging/lib/aging/Nixon\\_Letter.pdf](http://www.aging.state.pa.us/aging/lib/aging/Nixon_Letter.pdf)

## **Police**

**May not employ** if convicted of felony or serious misdemeanor. 53 P.S. § 2164(7); see also pages 6-7 regarding restrictions on working with children.

**Port Workers** (must have a transportation security card – also known as TWIC - consistent with the following restrictions)

**May not employ** if convicted of espionage, sedition, treason or federal terrorism crime (or conspiracy to commit any of the above) **ever**.

**May not employ** if convicted of a crime involving a “transportation security incident,” improper transportation of a hazardous material, unlawful possession, use, sale or manufacture of an explosive device, murder, making a threat of using an explosive or other lethal device against a government facility or transportation system, violation of RICO or conspiracy or attempt regarding any of the above **ever—but can apply for a waiver from the Transportation Security Administration (TSA)**.

**May not employ** if convicted of a weapons offense, drug offense, crime of dishonesty (not including welfare fraud or writing bad checks), extortion, bribery, smuggling, immigration violations, arson, kidnapping or hostage taking, rape or aggravated sexual assault, assault with intent to kill, robbery, fraudulent entry into a seaport, RICO or conspiracy or attempt of the above **for seven years before applying for transportation credentials or for five years after release from incarceration, whichever is later—but can apply for a waiver from TSA.** 46 U.S.C. § 70105(c)(1); 49 C.F.R. § 1572.103.

**Private Detective** (including employees of organizations with private detective licenses)

**Must refuse employment** for a conviction of any felony or of the following crimes: weapons offenses, possessing burglar’s tools, receipt of stolen property, unlawful entry, aiding escape from prison, pick-pocketing, possessing or distributing narcotics, solicitation of sodomy or other lewdness, reckless endangerment, terroristic threats, simple assault. 22 P.S. § 23(a).

**School Employees** (public and private schools in Philadelphia)

**Must refuse employment** for a conviction involving homicide, aggravated assault, stalking, kidnapping, unlawful restraint, luring a child into a structure or vehicle, rape, statutory sexual assault,

involuntary deviate sexual intercourse, sexual assault, institutional sexual assault, indecent exposure, sexual intercourse with an animal, incest, concealing death of a child, endangering welfare of children, dealing in infant children, felony prostitution, obscene materials, corruption of minors, sexual abuse of children, unlawful contact with a minor, sexual exploitation of children, or a felony drug offense **at any time** preceding employment application. **Must refuse employment** for convictions for all other felonies for **ten years** after expiration of sentence. **Must refuse employment** for misdemeanors of the first degree for **five years** after expiration of sentence. **Must refuse employment** of individuals convicted of more than one misdemeanor (first degree) charge of DUI for **three years** after expiration of sentence.

Public School Code, 24 P.S. § 1-111(e)(these rules also apply to school bus drivers and student teachers); CPSL, 23 Pa. C.S. § 6344(c). For more on the CPSL, including the unconstitutionality of its lifetime bars on employment and DPW's interim policy permitting persons with enumerated convictions to be employed, *see supra* at pages 6-7.

### **U.S. Government Employee**

**May not hire** individuals convicted of attempting or advocating the overthrow of the U.S. government for **five years** following conviction. 18 U.S.C. § 2385.

### **Occupational Licenses**

Some occupations and professions require a license and are regulated by licensing boards created under state statute. The licensing boards are generally given a great deal of discretion to determine the fitness of individuals applying for licenses or certificates and are authorized to refuse or revoke licenses where the applicant has been convicted of any felony or a misdemeanor that relates to the relevant trade, occupation or profession. Many licensing boards are *required* to consider convictions when making licensing decisions or are even prohibited from licensing individuals with certain convictions. Ex-offenders considering training for specific professions should contact the appropriate licensing board to determine

whether a particular policy or restriction will make a license in that field difficult or impossible to obtain. The following is a list of licensing boards that may or do consider criminal convictions in their licensing decisions.

### **Accountant**

**May** revoke or suspend license if individual engages in dishonest conduct. 63 P.S. § 9-9.a.

### **Architect**

**May** refuse or revoke license for conviction of any felony or crime of moral turpitude. 63 P.S. § 34.19. A crime of moral turpitude is a crime of dishonesty and includes offenses such as fraud, tax evasion, perjury and similar offenses.

### **Auctioneer**

**May** revoke license for conviction for forgery, embezzlement, extortion, fraud, any crime of moral turpitude **within five years prior to issuance of license**. 63 P.S. § 734.20.

### **Barber**

**May** revoke or suspend license if individual engages in dishonest conduct. 63 P.S. § 559.

### **Bondsman**

**May suspend or revoke** license if convicted of any criminal offense. 42 Pa. C.S. A. § 4746(b)(3).

### **Casino employee (gaming employees)**

License or permit **will be denied** for felonies and gambling offenses **within 15-years**.

When evaluating an application after 15 years, the Gaming Control Board will consider:

- (1) the nature and duties of the applicant's position;
- (2) the nature and seriousness of the offense;
- (3) the circumstances under which the offense occurred;
- (4) the age of the applicant when the offense was committed;
- (5) whether the offense was an isolated or repeated incident;
- (6) evidence of rehabilitation.

4 Pa. C.S.A. § 1213; 58 Pa. Code § 435a.1(f) and (g).

**Casino employee (nongaming employees)** (do not handle gaming money – includes bartenders, food service, clerical, parking attendants, and janitorial workers)

Registration **may be denied** for felonies and gambling offenses **within 15-years.**

When evaluating an application for a registration, the Gaming Control Board will consider:

- (1) the nature and duties of the applicant's position;
- (2) the nature and seriousness of the offense;
- (3) the circumstances under which the offense occurred;
- (4) the age of the applicant when the offense was committed;
- (5) whether the offense was an isolated or repeated incident;
- (6) evidence of rehabilitation.

4 Pa. C.S.A. § 1213; 58 Pa. Code § 435a.1(g).

### **Chiropractor**

Applicant for license must submit evidence that he/she has not been convicted of drug felony **in last ten years.** Board **may refuse license** if convicted of any felony, or misdemeanor **in the chiropractic profession.** 63 P.S. §§ 625.501, 625.506.

### **Dental Hygienist**

**May** refuse or revoke license for any felony or crime of moral turpitude. 63 P.S. § 124.1. *See also* pages 5-7, regarding new restrictions on working with children.

### **Dentist**

**Must** refuse or revoke license if convicted of any drug felony less than **10 years old.** **May** refuse or revoke license if convicted of any other felony or any crime of moral turpitude. 63 P.S. §§ 123.1, 124.1. *See also* pages 5-7, regarding new restrictions on working with children.

### **Employment Agent** (applies to license holder only)

**May** refuse license to anyone with conviction for any crime other than traffic violation. 43 P.S. §§ 539(8), 541; 34 Pa. Code § 9.13.

### **Engineer, Land Surveyor, Geologist**

License **must be revoked** (with opportunity to be heard) for any

drug felony or crime relating to professional field. 63 P.S. §§ 151(g), 157.1(b).

### **Funeral Director**

**May** refuse license for any crime of moral turpitude, violation of health law, or relating to profession. 63 P.S. § 479.11.

**Horse Racing** (applies to anyone employed at horse gambling or race meetings, including vendors and stable workers)

**Must refuse** license for conviction of race fixing. **May refuse** license for conviction of any crime of moral turpitude, illegal gambling. 58 Pa. Code § 165.35.

### **Hunting/Trip Permit Salesperson**

**May** deny license for conviction of any crime. 67 Pa. Code § 65.3.

### **Insurance Adjuster**

**May** revoke license for conviction of any felony. 63 P.S. § 1606.

### **Medical Technician, Emergency (EMT)**

**May** suspend, revoke or refuse certification for conviction of a felony or crime involving moral turpitude. 35 P.S. § 693(j.1)(1)(xiv). *See also* pages 5-7, regarding new restrictions on working with children.

### **Midwives**

**May refuse** license for crime of moral turpitude. 63 P.S. § 172. *See also* pages 5-7, regarding new restrictions on working with children.

### **Mortgage Broker**

**May** deny license for conviction of any felony or misdemeanor. 63 P.S. § 456.06(d).

### **Motor Vehicle Dealer**

**May refuse or revoke** license for any crime of moral turpitude, dishonesty/theft **committed as a dealer within 5 years of application.** 63 P.S. § 818.19.

## **Nurse** (Registered Nurse and Licensed Practical Nurse)

**Must refuse** license for any drug felony conviction **in the last ten years**. **May refuse** license for any other felony or crime of moral turpitude. 63 P.S. §§ 216(c), 224(a)(5)(RNs); 63 P.S. §§ 655, 666(a)(5)(LPNs). *See also* pages 5-7, regarding new restrictions on working with children.

## **Occupational Therapist**

**Must refuse or may revoke** license for any crime found by Board to have a direct bearing on fitness to be an OT. 63 P.S. § 1516. *See also* pages 5-7, regarding new restrictions on working with children.

## **Optometrist**

**Must suspend** license for a drug felony. **May revoke** license for any felony or crime of moral turpitude. 63 P.S. § 244.7. *See also* pages 5-7, regarding new restrictions on working with children.

## **Osteopath**

**May refuse** license for any felony, drug felony, crime of moral turpitude or any crime related to the practice of osteopathic medicine. 63 P.S. §§ 271.14, 271.15. *See also* pages 5-7, regarding new restrictions on working with children.

## **Pawnbroker**

**Must refuse** license for any conviction of engaging in pawnbroking business without license. 63 P.S. § 281-8(a).

## **Pharmacist**

**Must refuse** license for conviction of any drug felony **in the last 10 years**. **May refuse** license for any felony related to the practice of pharmaceuticals, or any crime of moral turpitude. 63 P.S. §§ 390-3, 390-5.

## **Physical Therapist/Athletic Trainer**

**Must refuse** license to individuals convicted of any drug felony **in the last ten years**. 63 P.S. § 1306.

## **Physician**

**Must refuse** license for any drug felony conviction **in the last ten years.** **May refuse** license for any other felony or any misdemeanor **relating to a health profession.** 63 P.S. §§ 422.22, 422.41. *See also* pages 5-7, regarding new restrictions on working with children.

## **Physician's Assistant**

**May refuse** license for any felony conviction. 63 P.S. § 271.15(b). *See also* pages 5-7, regarding new restrictions on working with children.

## **Podiatrist**

**May refuse, suspend or revoke** license for conviction in connection with the practice of podiatric medicine or involving moral turpitude. 63 P.S. § 42.16. *See also* pages 5-7, regarding new restrictions on working with children.

## **Private Detective**

**May not issue** license if convicted of any felony or of the following crimes: weapons offenses, possessing burglar's tools, receipt of stolen property, unlawful entry, aiding escape from prison, pick-pocketing, possessing or distributing narcotics, solicitation of sodomy or lewdness, reckless endangerment, terroristic threats, simple assault. 22 P.S. § 16(b).

## **Psychologist**

**Must refuse** license for any drug felony conviction **in last ten years.**

**May refuse** license for any other felony or misdemeanor **in the practice of psychology.** 63 P.S. §§ 1206, 1208. *See also* pages 5-7, regarding new restrictions on working with children.

## **Radioactive Waste Disposal (applies to facility operators)**

**Must deny** license for conviction of a first degree misdemeanor or felony **involving an environmental crime within the last 10 years.** **May deny** license if applicant or applicant's partner, officer, associate, or agent has engaged in unlawful conduct. 35 P.S. § 7131.502.

## **Real Estate Appraiser**

**May** refuse certification for any crime substantially related to qualifications, functions, and duties of persons appraising real estate. 63 P.S. § 457.11.

## **Real Estate Broker**

**May refuse** license for conviction of any felony or crime of dishonesty. 63 P.S. § 455.604.

## **Salesperson of Game of Chance**

**May not issue or** renew license for conviction of an felony **in the last five years** or any gambling (“Bingo Law”) offense **in the last ten years**. 10 P.S. § 317.

## **Speech Pathologist/Teacher of the Impaired**

**May refuse or revoke** license for conviction of any felony or first or second degree misdemeanor **in the last ten years**. 63 P.S. § 1710. *See also* pages 5-7, regarding new restrictions on working with children.

## **Social Worker**

**Must refuse** license for any drug felony conviction **in the last ten years**. **May refuse** license for any other felony or crime of moral turpitude. 63 P.S. §§ 1909, 1911; 49 Pa. Code § 47.12(2). *See also* pages 5-7, regarding new restrictions on working with children.

## **Tax Assessor**

**May** refuse certification for any crime substantially related to qualifications, functions, and duties of persons developing real property assessment. 63 P.S. § 458.7.

## **Taxi Driver**

**May not issue medallion** if applicant or officer/director of corporate applicant has any felony conviction **in last five years**. 66 Pa. C.S. § 2408(c).

## **Truck Drivers of Hazardous Materials** (hazmat endorsements)

**May not employ** if convicted of espionage, sedition, treason or federal terrorism crime (or conspiracy to commit any of the above) **ever**.

**May not employ** if convicted of a crime involving a “transportation security incident,” improper transportation of a hazardous material, unlawful possession, use, sale or manufacture of an explosive device, murder, making a threat of using an explosive or other lethal device against a government facility or transportation system, violation of RICO or conspiracy or attempt regarding any of the above ever—but can apply for a waiver from the Transportation Security Administration (TSA).

**May not employ** if **felony** conviction for weapons offense, drug offense, crime of dishonesty (not including welfare fraud or writing bad checks), extortion, bribery, smuggling, immigration violations, arson, kidnapping or hostage taking, rape or aggravated sexual assault, assault with intent to kill, robbery, fraudulent entry into a seaport, RICO or conspiracy or attempt of the above **for seven years before applying for transportation credentials or for five years after release from incarceration, whichever is later—but can apply for a waiver from TSA.** 49 C.F.R. § 1572.103(a) and (b).

#### **Vehicle Damage Appraiser**

**May deny** license for conviction of any felony. 63 P.S. § 856.

#### **Veterinarian**

**Must** refuse license for any drug felony conviction in last ten years. **May** revoke or suspend license for any other felony. 63 P.S. §§ 485.9, 485.21; 49 Pa. Code § 31.11(b).

### **III. Potential Remedies for Denials of Employment Based on Criminal Records**

Job applicants who are rejected from employment solely because of their criminal records have several potential remedies, under state law and federal antidiscrimination laws.

#### **A. Pennsylvania Law Limiting Consideration of Criminal Records**

A Pennsylvania statute provides, "Felony and misdemeanor convictions may be considered by the employer only to the extent to which they relate to the applicant's suitability for employment in the position for which he has applied." 18 Pa. C.S. § 9125(b). There has been almost no guidance under state law on the issue of “suitability” under this law. However,

one of the few cases construing this statute has been determined that it means that employers may *only* consider *felony and misdemeanor convictions*. Cisco v. United Parcel Services, Inc., 476 A.2d 1340 (Pa. Super. 1984). Consequently, under this statute, employers may *not* consider *arrest records, juvenile adjudications and summary offense convictions*.

No administrative agency enforces this law; it must be enforced through filing a lawsuit. To date, there have been very few lawsuits enforcing this statute, possibly because it does not provide for attorneys' fees to a winning plaintiff. However, recent case law in Pennsylvania indicates that the courts may be sympathetic to a claim by an individual who is otherwise qualified for a position.<sup>8</sup> Moreover, increased attention to and education regarding this statute may make employers more aware of their legal obligations.

## **B. Race Discrimination Claims Under Title VII and Other Antidiscrimination Laws**

For African-American and Hispanic ex-offenders, an employment rejection for having a criminal record may implicate a race discrimination claim under Title VII of the Civil Rights Act of 1964 ("Title VII").<sup>9</sup> This claim is based on a "disparate impact" theory that recognizes that even unintentional discrimination violates the law where a facially neutral policy disproportionately harms minority job seekers and is not required by business necessity. In the criminal record context, the claim is that because African-Americans and Hispanics are arrested and convicted in numbers disproportionate to whites, minority job applicants are disproportionately excluded from records.<sup>10</sup>

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<sup>8</sup> See, for instance, the Warren County and Nixon decisions, discussed *supra at 6 &8.*

<sup>9</sup> 42 U.S.C. §§ 2000e- 2000e-17.

<sup>10</sup> Judge John J. Fullam notably ruled that an employer violated Title VII when it terminated a white woman because of an old criminal conviction. The judge ruled that even though she was not a member of the protected class, she had been adversely impacted by a discriminatory policy and therefore had standing under Title VII. Field v. Orkin, No. 00-5913 (E.D. Pa. filed October 30, 2001).

Legal support for criminal record disparate impact claims dates to the early 1970s, when the courts and the Equal Employment Opportunity Commission (EEOC), which is responsible for enforcement of Title VII, started to find Title VII violations where there was either a blanket exclusion of persons with criminal records or a lack of business necessity for such a policy. In 1970, a federal district court found that a policy which automatically disqualified persons who had arrest records violated Title VII.<sup>11</sup> In 1975, a federal appeals court rendered the most important decision on convictions until recently, ruling that an across-the-board disqualification based on convictions was invalid.<sup>12</sup> Several more rulings followed which found a Title VII violation for employer use of criminal records.<sup>13</sup> These court decisions are synthesized in an EEOC policy statement issued in 1987 on employer use of criminal convictions records.<sup>14</sup>

This statement reiterated EEOC's position: that because a policy or practice of excluding persons from employment on the basis of their conviction records has an adverse impact on African-Americans and Hispanics, such a policy violates Title VII unless the employer demonstrates a business necessity for the policy. The policy identified three factors relevant to the business necessity justification:

- (1) The nature and gravity of the offense or offenses;

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<sup>11</sup> Gregory v. Litton Sys., Inc., 316 F. Supp. 401 (C.D. Cal. 1970), modified on other grounds, 472 F.2d 631 (9th Cir. 1972). Gregory is still considered the leading case on an employer's use of arrest records.

<sup>12</sup> Green v. Missouri Pac. R.R. Co., 523 F.2d 1290 (8th Cir. 1975).

<sup>13</sup> E.g., Carter v. Gallagher, 452 F.2d 315 (8th Cir. 1971)(brought under 42 U.S.C. Sect. 1981 and 1983); Dozier v. Chupka, 395 F. Supp. 836 (S.D. Ohio 1975); Richardson v. Hotel Corporation of America, 332 F. Supp. 519 (E.D. La. 1971), *aff'd mem.*, 468 F.2d 951 (5th Cir. 1972); EEOC Decision No. 74-89 (Feb. 12, 1974); EEOC Decision No. 71-2682 (June 28, 1971).

<sup>14</sup> "Policy Statement on the Issue of Conviction Records Under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. (1982)" (Feb. 4, 1987) in II EEOC Compliance Manual § 604.

- (2) The time that has passed since the conviction and/or the completion of the sentence; and
- (3) The nature of the job held or sought.<sup>15</sup>

The EEOC's most recent policy guidance on employer use of criminal records was a 1990 statement on arrest records, which reaffirmed its 1987 statements on convictions and concluded that employers will seldom be justified in making employment decisions based on arrests which did not lead to convictions.<sup>16</sup> For evaluating arrests, EEOC added a fourth criteria to the three established for evaluating convictions: the employer must evaluate the likelihood that the applicant engaged in the conduct for which he or she was arrested. Under the detailed analysis set forth by the EEOC in its 1990 Policy Guidance, a blanket exclusion from employment of persons with arrest records will rarely be justified since the criteria requires individual assessment of the applicant's situation.

Claims based on Title VII and criminal history records brought between 1990 and the present have often been rejected, when they have been brought at all.<sup>17</sup> The most recent and most notable decision on this issue since the 1970s involved a lawsuit challenging the criminal records policies of Philadelphia's public transit authority for its paratransit contractors. El v.

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<sup>15</sup> A subsequent policy issued by EEOC in 1987 discussed the plaintiff's burden of proving a disparate impact in a criminal conviction charge, indicating that EEOC would apply a presumption of an adverse impact on African-Americans and Hispanics, based on national and regional conviction rates statistics. "Policy Statement on the Use of Statistics in Charges Involving the Exclusion of Individuals with Conviction Records from Employment" (July 29, 1987) in II EEOC Compliance Manual App. 604-B.

<sup>16</sup> "Policy Guidance on the Consideration of Arrest Records in Employment Decisions under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. (1982)" (Sept. 7, 1990) in EEOC Compliance Manual § 604.

<sup>17</sup> See, e.g., Matthews v. Runyon, 860 F. Supp. 1347 (E.D. Wis. 1994) (summary judgment against plaintiff for failing to establish a prima facie case); Lewis v. Alabama Dept. of Public Safety, 831 F. Supp. 824 (M.D. Ala. 1993) (dismissal on plaintiff's inadequate statistical showing); Williams v. Carson Pirie Scott, No. 92 C 5747, 1992 U.S. Dist. LEXIS 13643 (N.D. Ill. Sept. 9, 1992) (finding that defendant established business necessity to fire employee from "collector" position); Equal Employment Opportunity Commission v. Carolina Freight Carriers Corp., 723 F. Supp. 734 (S.D. Fla. 1989) (both rejecting plaintiff's prima facie case and finding business necessity); Moses v. Browning-Feris Industries of Kansas City, No. 84-2334-S (D. Kan. Sept. 22, 1986) (finding for defendant after trial on grounds that the policy of rejecting applicants for position of garbage collector who were convicted of crimes involving moral turpitude was justified by business necessity). One notable exception is Field v. Orkin, No. 00-5913 (E.D. Pa., October 30, 2001), discussed *supra* note 10.

Southeastern Pennsylvania Transportation Authority, 479 F.3d 232 (3d. Cir. 2007). Although the Third Circuit rule against the plaintiff, it did so because of the plaintiff's failure to submit evidence to rebut the defendant's expert on recidivism, not because people with criminal records lack entitlement to legal protections in the employment context. The court did not endorse the EEOC guidance on convictions, concluding that it was not entitled to deference. Id. at 244. However, *it did mandate that criminal records policies “accurately distinguish between applicants that pose an unacceptable level of risk and those that do not.”* Id. at 245. Describing the application of its test, the court distinguished between applicants who pose “minimal level of risk” and those who do not. Id. at 245 n. 13 & 14. The court indicated that business necessity case law requires “some level of empirical proof that challenged hiring criteria accurately predicted job performance.” Id. at 240.

The EI decision, then, presents several lessons. (1) Employers may refuse to hire some persons with criminal records, despite the racially disparate impact. (2) However, to avoid violating Title VII, they must carefully craft their criminal record exclusionary policies, based on empirical evidence as to whether a person with a criminal record presents more than a minimal risk.

Given the solid legal foundation that these actions have in the EEOC guidances and case law, as well as the increased attention that is being paid to the employment barriers faced by ex-offenders, race discrimination claims under Title VII may become a more viable remedy for individuals with criminal records who are being unfairly barred from employment. In order to enforce Title VII rights, claims must be filed with a regional office of the EEOC within 300 days of the date of the violation of rights.

Moreover, other antidiscrimination agencies in Pennsylvania also recognize that disparate impact claims for rejecting people with criminal records arise under the statutes that they enforce. In January 2010, the Pennsylvania Human Relations Commission (“PHRC”) sought public comment on a proposed policy guidance on this issue. While the PHRC has not adopted or declined to adopt this policy guidance to date, it has accepted and investigated race discrimination charges for people with criminal records under the Pennsylvania Human Relations Act. Similarly, we understand that the Philadelphia Commission on Human Relations would accept such charges as arising under the Philadelphia Fair Practices Ordinance.

### **C. Philadelphia “Ban the Box” Ordinance**

On April 13, 2011, the City of Philadelphia enacted Chapter 9-3500 of the Philadelphia Code, the “Fair Criminal Record Screening Standards.” This ordinance is often known as the “ban the box” law. It applies to private employers that employ ten or more persons within the City of Philadelphia,<sup>18</sup> in addition to the City of Philadelphia itself.

The ordinance contains two important substantive provisions.

(1) Employers may not “knowingly and intentionally make any inquiry about or ... take any adverse action against any person on the basis of any arrest or criminal accusation made against such person, which is not then pending against that person and which did not result in a conviction.”<sup>19</sup>

(2) Employers may not ask job applicants to disclose criminal convictions during the application process, or before the conclusion of the first interview.<sup>20</sup>

Employers are exempted from the ordinance if their actions are authorized by any other applicable law, or they are criminal justice agencies.<sup>21</sup>

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<sup>18</sup> Section 9-3502(9).

<sup>19</sup> Section 9-3503(1).

<sup>20</sup> Section 9-3504.

<sup>21</sup> Section 9-3505.

Employers that violate the ordinance are subject to a fine. As this is written, enforcement responsibility for the ordinance has not yet been delegated by the Mayor.

## **APPENDIX A--CHILD ABUSE REPORTS**

Some employment or licensing restrictions may also apply to individuals who have “founded” or “indicated” reports of child abuse or neglect. Although they are civil in nature, “indicated” reports of child abuse often carry some of the same employment consequences as criminal convictions, without the procedural safeguards afforded to persons charged with crimes. Because child abuse reports can affect employment opportunities, a brief discussion of these reports is warranted.

Under the Child Protective Services Law (CPSL), 23 Pa.C.S. §6301 et. seq., local child protective service agencies throughout Pennsylvania are required to investigate reports of suspected child abuse or neglect. These reports of suspected abuse originate from a variety of sources: neighbors, teachers, doctors, hospital social workers, family members, even the children themselves. Investigative social workers are supposed to interview witnesses and review any available medical documentation in making a determination as to whether or not the report is substantiated. If not substantiated, the social workers mark the reports as “unfounded” and the reports are eventually expunged. “Founded” reports are those in which a court has made an adjudication of child abuse. Court adjudications theoretically can be appealed to a higher court. The CPSL prohibits the employment of individuals who have “founded” child abuse reports within the five years preceding applications from jobs in child care and schools.

Reports are “indicated” when the investigating child protective services agency determines that there is “substantial evidence” of abuse or neglect. In our experience, many “indicated” reports of child abuse involve incidents that do not rise to the level of child abuse under the law—such as

purely accidental injuries, fights between siblings, or the lawful infliction of corporal punishment that does not result in severe pain. These reports are not subject to any judicial oversight or due process protection unless appealed in a timely manner. Under Pennsylvania statute, reports made after July 1, 1995, must be appealed within 45 days of notification of the indicated status of the report.<sup>22</sup> **However, because the notice that used to be sent to individuals placed on the Child Abuse and Neglect Registry was deemed by the Commonwealth Court of Pennsylvania to be defective, individuals may still be able to appeal their indicated reports even beyond the 45-day deadline. If the date of the report is prior to September 12, 2008, the deadline will be waived and individuals can still request to have their report expunged.**

The Department of Public Welfare is in the process of revising this notice, and the 45-day deadline will be in effect again once that process is completed.

Many individuals do not receive the notification, do not understand it, or do not recognize its significance when they do receive it. Expungement requests made after the 45-day deadline are automatically denied, and it is extremely difficult to get the deadline lifted without very good cause for missing the appeal deadline. Failing to receive notification without extenuating circumstances is not generally accepted as good cause. Consequently, a permanent barrier to certain types of employment is thus created.

Even though no statute prohibits the employment of persons with “indicated” reports of child abuse in any field that we are aware of, these reports regularly preclude people’s employment or impede their ability to get a license in many professions, such as those related to children or medical professions. As discussed on page 5 of this report, recent legislation has expanded

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<sup>22</sup> Indicated reports made before July 1, 1995, are appealable at any time.

employment restrictions contained in the CPSL for individuals seeking to work with children. We recommend that individuals ascertain that they are not the subject of any indicated or founded child abuse reports before attempting to get a license or enrolling in costly and time-consuming vocational training or education. They can do so by calling or writing the child abuse registry as follows:

Terry Clark, Director  
Childline & Abuse Registry  
Department of Public Welfare  
Office of Children, Youth and Families  
P.O. Box 8170  
Harrisburg, PA 17105-8170  
(717) 783-6211

We further recommend that they contact the relevant licensing boards to find out whether a child abuse report might affect their ability to get a license. In the event that a report exists that may affect employment or licensing, a local legal services organization or a private attorney may be able to assist individuals in getting their records cleared.