The Stanford Executive Sessions on Sentencing and Corrections

The First 72 Hours of Re-Entry: Seizing the Moment of Release

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Stanford Law School
About The Stanford Criminal Justice Center

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EXECUTIVE SUMMARY

The premise of the September meeting of the 2008 Stanford Executive Sessions on Sentencing and Corrections was that the 72-hour period immediately following release from prison is a crucial focus for policymakers. This is often a period when parolees need to be connected with housing, counseling, employment and other resources as smoothly as possible, all this at a time when the parolee is vulnerable to great risks or temptations that may doom chances of successful reentry. The meeting demonstrated that this targeted focus on the 72-hour period yields pragmatic insights about improving the processes at work during that time. But in addition, this analytic “thought experiment” generates useful ideas about improving the pre-release preparation that is the set-up to this 72-hour period. It also necessarily implicates, and therefore can enhance insight into, larger issues about reentry.

As for the pre-release period, participants at this Executive Sessions meeting agreed that all prisoners soon to be paroled must be prepared for release in concrete ways that enhance the likelihood that immediately after release they will connect to the services and resources they will need after that first period. This is especially true for those with substance abuse or mental illness problems or serious cognitive or reading deficits. Planners must recognize the importance of highly pragmatic, even mechanical measures, to enhance this preparation, such as ensuring good phone access for prisoners to connect with families or outside agencies.

In addition, the general principles of inmate risk-assessment need to be specially tailored to assess the condition and capacities of the prisoner in the phase immediately before release, including the prisoner’s exigent medical needs and plausible housing prospects. This assessment must take into account the special needs of prisoners for whom reentry will be particularly difficult because they suffer extreme deficits in literacy or other skills that hamper their ability to engage in simple transactions, or because they are recently re-imprisoned parole violators who therefore have suffered abrupt interruptions in their opportunities for outside success. Officials should determine whether and in what way the prisoner’s family can be helpful in terms of housing, moral guidance, and connection to services. But officials also should prepare an inventory of resources that will be available to the parolee. System-wide databases that are adaptable to geographic specification and...
regular updating can help generate such inventories, but the focus should be on an individually refined inventory for each parolee.

Participants also generated concrete mechanisms for “choreographing” the 72-hour period itself. Parolees should be given “scripts” that serve as guides for themselves and for agency counselors (and, in case the situation arises, police officers), containing necessary information about the parolees’ medical needs, a listing of specific agencies to contact and their updated phone numbers and guides to their location, and hotline phone numbers for exigencies. Next, the California Department of Corrections and Rehabilitation (CDCR) should work with local leaders to make the time and place of parolees’ arrival at the home destination as practical as possible, i.e., to make it easy for parolees to immediately connect with housing and other resources and to get to the first appointment with the parole officer. This means destinations should be as far removed as possible from crime-ridden areas and drug markets, and, ideally that arrival should be early on weekdays when most services are open. Finally, counties and cities should provide reception centers for “one-stop shopping” where parolees can immediately connect with agencies that have coordinated a menu of resources. Because the state-run Parole and Community Team (PACT) program is designed to serve a similar function, local officials should try to coordinate their centers with PACT. But PACT itself needs improvement — its services and procedures need to be augmented and made more uniform and better-publicized, and it must focus more on positive reentry rather than threats of future punishment.

Finally, one benefit of this carefully limited analytic focus on the 72-hour period is that it uncovers larger issues or themes in reentry that are implicated in the narrower focus, and illuminates gaps in the information shared between public and private providers of services. Officials and community leaders face a dilemma of burden of proof in reforming programs. They can take risks on unproved reforms or they can require documented evidence of the feasibility of a reform idea before risking the expenditure of any resources on it. To escape this binary dilemma, reentry agencies must become “learning organizations” that rely on a cycle of feedback as incremental changes are made or as new data about particular programs is generated. That way, agencies can regularly adapt and
fine-tune their efforts. This feedback learning should occur within each government and private community-based organization (CBO), but should also occur between CBOs and the government agencies that send CBOs their clients.

Local police are likely to encounter parolees during the first 72-hour period, whether directing them to services, providing ad hoc transportation, or detaining them for violations. Such encounters underscore the larger question of the role of law enforcement in reentry. Police can be very helpful to parolees if they see themselves as participants in reentry, but they thereby run the risk of public complaint that they are diverting scarce resources from crime-fighting and neighborhood security. Law enforcement, however, can take the opportunity of this challenge to enhance civic understanding of the broader meaning of public safety — to promote the idea of devoting some police resources to parolee adjustment serves the public safety in a longer-term and often more cost-effective way.

This discussion all occurred within the general theme — also the overarching theme of the 2008 Executive Sessions itself — of information-sharing. Focusing on the 72-hour period illuminated gaps in the information shared between public and private agencies, and between state and local agencies — information that, if shared more openly, could help reentry partners improve systems and induce desistance from crime. Participants shared, for example, that CBOs rarely learn much of anything about programming that parolees may have received while in prison and that prison officials rarely learn much of anything about the successes of revoked parolees’ reentry efforts. Ultimately, information sharing means sharing common goals, common approaches, and a joint investment in the successful reintegration of parolees — focusing our attention on the first 72 hours of parole tells us a lot about how to accomplish this.

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BACKGROUND – THE EXECUTIVE SESSIONS ON SENTENCING AND CORRECTIONS

The Stanford Executive Sessions on Sentencing and Corrections is an innovative form of policy working group designed to bring together key public, academic, and organizational leaders in the field of criminal justice policy. The goal of the Executive Sessions is to move cooperatively towards reform of California’s sentencing and corrections systems, as well as the criminal justice system as a whole. Our mission in the 2008 Executive Sessions is to encourage collaborative criminal justice policy development. We seek to promote public/private partnerships with state, county, and municipal governments in the criminal justice arena; create opportunities for the use of social science research to aid in the development and implementation of empirically-validated, data-driven criminal justice programs and policies; and serve as a public service consultant to the State of California and its fifty-eight counties.

THE FIRST 72 HOURS OF REENTRY – SEIZING THE MOMENT OF RELEASE

SCJC conceived the seventh Executive Sessions meeting as an opportunity for a variety of criminal justice professionals to consider how to make parole reentry in California work better. Participants included public officials — including representatives of local and county law enforcement, state parole and county probation, the judiciary, and District Attorneys — as well as leaders of non-profit and community organizations that assist prisoners and parolees with reentry. This group reflects the array of functional perspectives on reentry, from those who “deliver” inmates back into society to those who “receive” them in local communities.

As a working premise for this meeting, SCJC asked participants to undertake a “thought experiment” — to focus on the crucial first 72 hours after an inmate’s release. Our hypothesis was that this very specific focus would generate concrete, realistic ideas about how to mitigate the most fundamental problems of reentry, and also that the 72-hour period serves as a kind of analytic device to open up larger and more long-term questions about reentry. At a high level of generality, everyone in the criminal justice system might agree that reentry is a long-term process, and that efficient ways of help-
ing parolees to find secure housing, employment, and counseling, and to continue necessary medical care, are crucial to successful reentry. But our participants agreed that a focus on the 72-hour period would ensure a more concrete and therefore more meaningful and manageable discussion. This is true for several reasons.

First, the first 72 hours can be very decisive for the parolee — for both good and bad. These three days represent the literal first opportunity for the parolee to make the choices that will determine ultimate success or failure, and indeed the temptations to make early missteps are all too present. Parolees often begin their reentry at bus stations that are ostensibly in their local communities. But the “community” to which a parolee returns may have changed dramatically since he or she entered prison, and in any event, the parolee may not find much help in navigating the way to the services for housing, employment, and medical help needed to make reentry a success. Instead, the parolee may encounter an alarming array of opportunities for renewing anti-social or criminal behavior. As a result, many of the parolees who fail do so quite early. Almost a third of those who will get rearrested are re-arrested within the first 30 days. More alarmingly, during the first two weeks following release from prison, parolees have a death rate that is 13 times higher than that of non-incarcerated people of similar age, race, and sex (this high death rate is linked to drug overdose and the often deadly combination of mental illness and the stresses of adapting to life on the outside).

Second, a close focus on the ground-level realities of those first 72 hours often opens up larger issues bearing on longer-term reentry. Even something so specific as determining who will pick the parolee up at the bus station may be an open window to such questions as whether the parolee’s family can prove a help or hindrance to reentry, and about whether local agencies are sufficiently staffed and responsive to help guide the parolee in
the coming weeks or months. Thus, things we learn about the first 72 hours might have echoes that reverberate throughout reentry as a whole.

Third, the focus on coordinating the first 72 hours illuminates gaps in the information-sharing networks that are often critical to a parolee’s success. For example, very little is known about the information that parolees are given at the moment of release about services available in the community. In addition, it appears that many county agencies are not involved, or are only very indirectly involved, in the reentry work of state parole authorities. So, trying to improve mechanisms for the parolee’s immediate first contacts with local services and housing agencies may expose problems of information sharing and coordination that need to be addressed more holistically by a county or municipality.

MEETING STRUCTURE AND THE NATURE OF DISCUSSION

The meeting evolved in a manner similar to previous Executive Sessions. Before the meeting SCJC sent a questionnaire to prospective participants in order to learn from the experts themselves about those aspects of reentry that warranted the most attention. Upon receiving the questionnaire responses, SCJC prepared a very loosely-structured agenda; our intention in this meeting, as in previous Executive Sessions meetings, was to allow the conversation to develop organically rather than force participants into an agenda. What follows in this report is SCJC’s synthesis of the discussion. We have endeavored to sensibly group discussion topics, highlight areas of consensus, and describe areas about which little consensus exists. As usual, observations are not attributed to individual participants, but are rather used descriptively, to capture the tone of a discussion or a particularly salient point.

Readers will note that in our summaries of the discussion, we often broadly attribute ideas or questions to “participants” or “some participants,” or, equally often, we describe an idea or question as having arisen at the meeting without specifically attributing it. Our reasons for this are both procedural and substantive. The procedural reason is that to encourage robust debate at our Sessions, we guarantee participants that they will not have their comments attributed to them individually. The substantive reason is that one of the
goals of the Sessions is to identify important potential reforms in the criminal justice system where it is far from clear which part of government should be the prime mover or the funder or designer of the reform. In such cases, excessive concern about what agency is responsible for solving a problem may be an obstacle to developing the best concepts for solution.

ORGANIZATION OF REPORT

This report proceeds in three main parts. Part I examines how we can plan for the first 72 hours of reentry by improving pre-release plans in prison. Part II focuses on the ground-level realities of immediate reentry by considering specific mechanisms for improving the actual “choreography” of this critical period. Part III then reassesses the 72-hour “thought experiment” by considering the larger questions about parole reentry that the short-term focus turned out to have implicated. These include the value of bringing principles of feedback learning to bear on reentry, the potential significance of the development of secure reentry facilities, and the need to examine the interrelationship of the role of law enforcement and social concerns with public safety in reentry. The report concludes by recapping the reasons for our focus on the first 72 hours, including some observations concerning the overarching theme of information sharing. For reference, we have included a description of a typical “first 72 hours” scenario, which appears on pages 20-21.

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An ideal reentry program might plan for release from the very first moment of incarceration, building long-term capacities and skills in the offender. Our discussion at this Executive Sessions meeting, however, focused more realistically on a narrower time frame, during which resource-strapped prison officials are more likely to be focused on prisoner-to-parolee transition — namely, the time period immediately preceding release. So participants were asked to offer their observations about the resources that can be provided the prisoner, and the information that can be assembled about the prisoner and then disseminated to officials and agencies in the local community, that might enable the prisoner to take positive steps in the first few days after release. Of course, even in this narrower time frame, parolee transition would be greatly enhanced if community based organizations (CBOs), local service providers, and local law enforcement could do “in reach” into the prison, conducting meetings with prisoners and exchanging information with prison officials. But such “in reach” presents formidable logistical obstacles, because most prisons in California are far away from the communities to which offenders return, and security screening adds to the time and effort required. Therefore, discussion focused on the utility of certain pragmatic and concrete mechanisms for matching parolees’ needs with services as quickly and seamlessly as possible.

A. THE SIGNIFICANCE OF THE MUNDANE — THE EXAMPLE OF THE TELEPHONE

One striking manifestation of the value of this pragmatic focus was the importance several participants placed on the mundane — but crucial — issue of a prisoner’s telephone access while in prison. Enhanced communication between an inmate and the inmate’s family can smooth transition to parolee status, especially where the family is able to serve as a kind of informal case manager to help the parolee connect with services after release. Right now, problems of security, staffing, or logistics limit phone access: increased phone access means more inmate movement and hence more staffing, and in some prisons officials fear that inmates abuse phone access to communicate with gang associates. But state officials may need to assess the degree of these limitations in state facilities and seek to mitigate them in light of the value of phone access to reentry success.
Moreover, another key factor could have the effect, if not the purpose, of limiting phone access — the sheer cost of calls to the prisoner or family. Under former state practice, under an arrangement between the State and the private phone provider, a surcharge was added to the cost of an inmate phone call ostensibly to help defray the cost of running prisons. In 2007, the legislature ended this formal arrangement. Executive Sessions participants suggested that it was important for CDCR to now clarify whether any surcharges are currently added to inmate calls. One county participant explained that some county jails operate a very deliberate program of taxing inmate calls as a means to cross-subsidize certain county treatment programs. If the state still has any version of this arrangement or might contemplate a new version of it as budget problems worsen, the issue will require careful examination for efficiency and fairness. Thus, the telephone example is not just important on its own, but it also underscores the need for careful study of the economic rationality and efficiency of the relationships between programs, policies, and funding. Keeping inmate phone costs low may have important payoffs — including financial ones — in improved reentry.

B. TAILORING ASSESSMENT TO THE IMMEDIATE TRANSITION PERIOD

A consensus is emerging among criminal justice professionals about the value of using sophisticated risk-needs assessment (RNA) tools at all stages in the punishment cycle (although many remain skeptical and raise legitimate concerns about the fairness and legality of these tools). Discussion about risk-needs assessment tools at this Executive Sessions meeting crystallized around three basic principles: (1) an effective pre-release assessment must target areas of special concern during the first 72 hours; (2) there are some special cases among the general parolee population that need to be acknowledged and dealt with; and (3) the involvement of the family is critical during the time period in question and merits intense examination.

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1. Content of RNAs in the Immediate Prerelease Period

Prison officials should assess the risks and needs of all prisoners preparing for release using a validated and reliable risk-needs assessment instrument that examines certain basic but crucial information about:

➢ What the inmate has been doing in prison — i.e., what programs has the inmate been enrolled in, and with what level of success (especially recent performance)?

➢ What immediate challenges — in terms of self-discipline, vulnerability to substance abuse, or mental health — will the inmate bring into the immediate release period?

➢ What will be the parolee’s immediate needs in the first 72 hours, in terms of continuity of medication, transportation, and telephone or other means of contact?

➢ What immediate assets (if any) are known to be available to this particular parolee in terms of pre-arranged enrollment in educational programs, a guaranteed job, and family or other housing — independent of general services to which the parolee might gain access?

“A Roadmap for Effective Offender Programming in California,” published in 2007 by California’s Expert Panel on Adult Offender and Recidivism Reduction Programming, describes the need for and proper use of these tools in great detail.

2. Two Special Categories of Risks and Needs Among Parolees

The RNA, beyond being tailored to the immediate demands of short-term transition, also must take into account certain distinct categories of parolees for whom transition may be exceptionally difficult. Executive Sessions participants identified two such special categories.

New entrants: As one participant suggested, “reentry” for some inmates is effectively a form of “new entry.” Some parolees have never truly been members of society before.
They do not know how to write letters, balance checkbooks, shop for groceries, or pay rent. For these people, skills and relationships are not being reacquired: they are being acquired for the first time. Prison officials need to pre-identify such parolees to help arrange very specially tailored help for them in terms of extra tutoring in prison and highly specialized support outside.

**Parole Revokees:** Thousands of prisoners are churning into and out of prison because they have violated the terms of their parole. These parole violations can range from so-called “technical violations” (failing to comply with terms of release, such as failing to report to drug treatment) to the commission of new crimes. Approximately 120,000 people a year are imprisoned for a parole revocation, nearly twice the approximately 60,000 people who are imprisoned because of a new sentence. These parole revokees spend an average of only four months in prison — too little time for prison administrators to do much besides classify them and release them. Their reentry challenges are different from those of prisoners who are released after serving their initial sentences: four months in prison is long enough to lose any progress the reentrant might have made — long enough to lose a job, a lease, and access to benefits. Revokees also tend to have different needs from prisoners who have been serving sentences — most often substance and/or mental health problems that prevented compliance with the terms of parole. Thus, pre-release planning should take account of whether an imminent parolee is a recent revokee for whom recent imprisonment has caused an especially severe interruption of rehabilitation, or whose pattern of revocation indicates an especially enhanced need for mental health or drug treatment.

3. Examining the Role of the Family

Parole officers should be prepared to assess the role that a particular parolee’s family could usefully serve, and should do so with a cautious and critical eye. Some parolees’ families will want and need to be involved — they’re going to be the informal “case managers” of reentry who will be welcoming the parolee home. But not all families will welcome returning parolees, particularly if the parolee was violent and/or disruptive to family life. Nor are families necessarily a benign influence — if other members of the
family are involved with substance abuse and/or criminal activity, criminal desistance is that much harder. Prison and parole officials, working in concert with the reentrant and his or her family, need to make a preliminary assessment about whether the family would be a valuable partner in helping the parolee reintegrate. If so, they should be involved early and often.

In addition, prison and parole officials must recognize that they may have to help the family help the parolee. Families can give parolees housing — a crucial component to successful reentry — but living in close proximity after an extended absence can increase stress on both the parolee and his family. Counseling should be lined up to help the parolee and his family manage this stress. Parole officials, the parolee, and the parolee’s family should consider whether the parolee should move in directly with the family: if community beds are available, a few weeks or months in transitional housing might smooth out the process, letting the parolee wade into the water gradually rather than jumping straight into the deep end. Finally, female parolees returning to dependent children will face additional stresses, since their childcare obligations will diminish their capacity to work and fulfill other terms of parole. Female parolees returning to homes in which they have been victims of abuse also require special attention.

C. THE NEED FOR AN INVENTORY OF SERVICES

Successful reentry requires everyone involved to examine critical questions about the communities to which reentrants return. What are the community resources there, what is the job market like, what is the housing market like, what are the risks and opportunities these communities present? For example, any successful job training program will have to take account of the local employment situation in the community of return — it does a parolee no good to be trained for a particular job if no such jobs exist in his or her community. These are obviously fundamental concerns, but they are also fairly general and abstract. Moving closer to the ground level,
with an eye on the short-term transition, the Executive Sessions discussion recast these issues in terms of the pragmatics of information: what kinds of information can and must be kept in what form, and what are the optimal practical ways of transmitting that information among the relevant parties?

Participants agreed that any planning effort for upcoming parolees in general and for individual parolees requires a usable inventory of post-release services in the community — treatment beds, housing, and drug and alcohol treatment, for example. That inventory should be more than just a directory. It should be a reasonably well-annotated database that collects updated information on new developments in the capacities of services offered by particular programs and evolving, even if non-statistical, commentary on their apparent successes or shortcomings. As we shall discuss further in Part III, policies need to be continually refined and recalibrated based on feedback; successful programming is always an iterative process.

The information provided to parolees during the weeks and months before release needs to be as pragmatic as possible — it should be annotated to indicate the geographical setting of service agencies in terms of proximity to other programs or centers, to potential parolee housing units, and to mass transit. Moreover, even though, in the context of this short-term transition, the emphasis is on data relevant to a particular parolee moving to a particular local area, the inventory database should ultimately be a *statewide* project, since any prison officials who work on the transition of their inmates may have to be prepared on short notice to help make plans for any one of a wide variety of parolee destinations.
“... policies need to be continually refined and re-calibrated based on feedback; successful programming is always an iterative process.”
FOCUS: THE FIRST 72 HOURS

The majority of prisoners are released from prison in the morning on weekdays. In theory, such release gives them better access to services, stores, and transportation (although many arrive at their destinations much later in the day). Nevertheless, because of overcrowding, some prisons are releasing inmates at night or on the weekends. These prisoners tend to be those who have been serving time for parole violations.

PREPARING

Morning release starts roughly at 5:30 a.m., when the prisoner’s name is called. Prisoners released in the evening generally go out the gate between 6:00 and 8:00 p.m.

At the time of release, the prisoner first needs to change out of a prison uniform. Some prisoners’ family and friends will send “dress out” clothes — including shoes — for the prisoner to wear. If a prisoner does not have clothes to wear, he or she will be charged $38 for a gray sweat suit. This money is deducted from the prisoner’s “gate money”: the “gate money” is equivalent to $1.10 for every day the inmate has been in prison, up to a maximum of $200. Thus, prisoners who do not have clothes will have a maximum of $162 cash left.

Prisoners will have been divested of all personal items when they first arrived in the county jail after arrest — well before they ever got to prison. These items are either sent home or thrown away, and sometimes they include all forms of state identification. If a prisoner was carrying some form of state identification at the time of initial incarceration, and if that I.D. was sent home during the prison term, and if family and friends sent it back to the release office in time for discharge, then the prisoner might recover the I.D. before release. But, in the end, the vast majority of prisoners leave without any form of identification, preventing them from participating in much of the legal economic activity in the state.

Prisoners are allowed to take a clear plastic bag full of personal effects with them, and can mail other items in advance. The dominant practice in prison culture, however, is for a departing prisoner to give his clothes, property (including appliances), and any canteen items to his closest associates. This gesture is not just an act of generosity; it is a form of insurance. If the parolee subsequently returns to prison, his associates will give him similar items to make sure he does not do without.

LEAVING

At the moment of release, the prisoner gets into a van with 10-12 other prisoners and a Corrections Officer. The van takes the prisoners — now parolees — to the bus terminal closest to the prison. The parolee buys a bus ticket with his gate money, and the Corrections Officer is charged with staying at
the station until each parolee gets on his bus.

If the number of prisoners to be released taxes the logistical resources of the prison, new parolees may sit in the bus station for longer-than-normal periods. These long waits can make absconding and drug use more likely. Even if parolees do get on the bus, they often have to change buses before arriving home. Parolees released from San Quentin, for example, are taken to the San Rafael bus terminal. They then take buses to the San Francisco bus terminal, where they must transfer to the buses that take them to their home communities. Even this fairly simple transaction requires skills that some prisoners lack, whether because of illiteracy, mental illness, or just general social disorientation.

Some parolees are put in a special category — those “high control” prisoners who are placed in the top decile of risk on the basis of their commitment offense. Those prisoners are supposed to be met at the prison by a parole official and then transported individually to their destinations. But no study has been done on how often this happens, and there is anecdotal evidence that high control prisoners are sometimes taken to the bus station with the other prisoners, and that the only high control prisoners who are reliably picked up are those serving life sentences.

REPORTING

Parolees are officially obligated to meet with their parole officer by the close of the next business day after release. But this time gap may be as long as 72 hours if a prisoner is released on a weekend (or even 96 hours for weekends with federal and state holidays). High control parolees generally have to go straight to their parole officers if they have not been picked up at the gate.

Once at the parole office, a parolee can get an I.D. from the parole officer that can be used until the parolee gets a driver’s license or a state-issued identification. Parolees also take their first urine test. Many of these first tests indicate the presence of drugs and alcohol.

Parolees are required to attend the first PACT meeting (Parole and Community Team) that is scheduled after the date of their parole. PACT meetings are held with varying frequency: once a week in San Francisco and Oakland, for example, but just twice a month in Richmond. PACT meetings are run by the state parole agency, and typically involve both police and local service providers.

Once the parolee has attended that first PACT meeting, there are no more general obligations — just the duty to comply with the requests of the individual parole officer. One partial exception is for parolees with acute mental illness, who are usually set up for a first appointment with a Parole Outpatient Clinic within 3 business days of release.
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The period of the first 72 hours is, in a sense, a landing — a matter of just getting the parolee from prison to a resting place safely. At the end of the first 72 hours, parolees should be in relatively stable condition and ready to embark on the much more difficult and perhaps much less dramatic transition to criminal desistance. But social scientists have documented how prison tends to diminish people’s ability to make choices. In the first few moments outside prison, parolees are confronted with an array of choices, some good and perhaps more bad. If it were economically possible – or legally legitimate — for each parolee to have a kind of custodial “guide” during those first few days, then the risk of bad choices might be eliminated. But such custodial control is obviously antithetical to the very notion of release. Instead, the criminal justice system must somehow configure the circumstances of release so as to mitigate the risks of bad choices. Discussion during this Executive Sessions meeting thus focused on how California might rethink that configuration of circumstances — again, with an emphasis on the pragmatic and concrete.

A. THE PAROLEE “SCRIPT”

Giving a parolee all the information needed to obtain housing and services and make necessary appointments cannot ensure that the parolee will make use of that information. After all, some parolees will willfully ignore the information, and others may, despite prior guidance, lack the psychological or mental resources needed to follow up on the information. But the Executive Sessions participants agreed that at least for some large number of cases, adequate information can make the difference between good and bad choices, because some well-meaning and competent parolees simply get lost in a new environment they are not fully prepared for. Thus, although it would hardly be a panacea, providing the parolee with a “script” — i.e., an easily readable chart or menu of steps to take in terms of places to go, transportation stations to locate, phone numbers to call for medical, housing, or parole supervision appointments, and so on — should become an automatic component of release.

Under current practice every parolee is to be given a document laying out the conditions of parole. If it is not already doing so, the state should take steps to ensure that this
minimal documentation is indeed given to all parolees. If so, the document might then be augmented to approximate the kind of “script” that will properly steer the parolee.

Some states have experimented with hotlines that parolees can call if they need mental health services, while others provide parolees with a list of numbers for common services — for example, if the parolee wants to talk to an AA/NA sponsor or has question about public assistance benefits. Participants at this Executive Sessions meeting agreed that California should try to move in the direction of providing parolees with information about the available services in a portable format — or perhaps via a telephone menu. Again, resources should be listed by geographic area, if possible, and contain important information like telephone numbers and hours of operation. Resources should include local AA/NA meetings, homeless shelters, parole offices, and perhaps transit maps and bus schedules. In addition, local law enforcement may play a role here. Even perfectly law-abiding recent parolees will often encounter local police in the course of seeking services or if they appear lost or disoriented in public places. Police officers can be helpful in steering or even transporting a parolee to the right local destinations, but they will be better able to do so if they can consult a detailed “script” that the parolee carries. (The larger issue of the role of law enforcement in parolee reentry is discussed in Part III.)

B. THE TIME AND PLACE OF RELEASE AND ARRIVAL

Time and location matter greatly in the life of a new parolee, and in this section we will address some of they key aspects of these important factors. In discussing time and location, it is often important to distinguish between two obviously related but distinct events: release from prison and arrival at the ultimate destination.

1. Time

In theory, every prisoner can calculate his or her Earliest Possible Release Date (EPRD, see box on page 25), and the list of prisoners to be released is posted weekly in most institutions and twice a week in some institutions. There are, however, reasons why a prisoner’s name might be removed from the list. For example, the prisoner may
have an outstanding warrant or the prison may have erred in calculating the release date, but prison officials may not have taken the time to notify the prisoner or his family. Thus, a prisoner who thinks he is getting released may not be released as expected, but he and his family may not be notified of this surprising development.

In addition, the CDCR has had difficulty providing release dates to outside organizations ahead of time. The Mental Health Services Continuum Program (MHSCP, see box on page 26), for example, has reported difficulty in getting this information, and the Parole Automated Tracking System (PATS, see box on page 28) database does not provide comprehensive or frequently updated information. Establishing when prisoners are going to be released, and publicizing that information to all relevant parties, is the first step in coordinating release.

Once the precise day of release is determined, it is also important that prison officials be able to pinpoint the time of release, and to do so with as much accuracy as possible. The majority of prisoners are released from the prison itself in the morning on weekdays. In theory, such release gives them better access to services, stores, and transportation (although many arrive at their destinations much later in the day). Nevertheless, because of overcrowding, some prisons are releasing inmates at night or on the weekends. These prisoners tend to be those who have been serving time for parole violations. Morning release starts roughly at 5:30 in the morning, when the prisoner’s name is called. Prisoners released in the evening generally

**EARLIEST POSSIBLE RELEASE DATE**

“EPRD” means Earliest Possible Release Date. This is a date predicted on the basis of the adjudicated sentence and confirmed good-time credits. At any time during imprisonment, the EPRD can be on the assumption that the prisoner (1) never loses another day of credit; (2) never has any more credits restored; (3) stays in the same credit earning status; and (4) keeps the same legal status (does not get resentenced or pick up a new term). The EPRD also rests on a calculation of future credit to be earned, according to a complicated arithmetic formula that takes into account the portion of time the prisoner is employed in prison or participates in certain designated programs (or is exempt because of disability) as well as the prisoner’s disciplinary status. Thus, EPRD is an optimistic estimate of the release date from the time it is measured, but it changes during the period of imprisonment.
go out the gate between 6:00 and 8:00 p.m.

Of course, pinpointing the time of release tells us little about the time of arrival at the parolee’s ultimate destination. But what matters ultimately to the parolee (and to those involved in his reentry process) is the time when he will arrive at his destination, whether that be a bus terminal, his home, a shelter, or a transitional housing facility. To maximize a parolee’s opportunities for success, it would be of great benefit if prisons could release prisoners at the time most likely to make it possible for the parolee to arrive at his destination during the day, at a time convenient to those receiving him.

As explained below, the destination point for an unfortunately large number of parolees is the bus station in downtown Los Angeles, and a participant at the Executive Sessions meeting reported that a large number of these arrivals occur late in the day on Fridays. Participants agreed that this was very unfortunate, since the opportunities for bad decisions approach their

THE MENTAL HEALTH SERVICES CONTINUUM PROGRAM

The Mental Health Services Continuum Program (MHSCP) was developed in July 2000 to provide timely, cost-effective mental health services that optimize parolees’ levels of functioning in the community and subsequently reduce recidivism and improve public safety. The MHSCP includes pre-release needs assessment of paroling mentally ill inmates; pre-release benefits eligibility and application assistance; expanded and enhanced post-release mental health treatment for mentally ill parolees; improved continuity of care from the institution’s mental health service delivery system to the community-based parolee outpatient clinics; and increased assistance for successful re-integration into the community upon discharge from parole.

Under MHSCP, social workers conduct face-to-face assessments with eligible inmates within 90 days of an inmate’s earliest possible release date and update this assessment information within 30 days of the inmate’s earliest possible release date. The social worker then merges the assessment information into the Parole Automated Tracking System database (PATS). This information is then forwarded to the appropriate parolee outpatient clinic headquarters. Once received, a clinic-MHSCP liaison consults with the inmate’s parole agent and schedules an initial appointment with the inmate. For parolees with more severe mental illness, this appointment is scheduled to occur within three working days of release; for parolees with less severe mental illness, appointments are scheduled to occur within seven working days of release.
weekly peak at that point, and access to services is limited. The risk of slippage over the weekend is great. So one strong suggestion was that prisons, to the extent possible, arrange release so that arrival at the destination may occur at a sensible time — say, mid-morning on an early weekday. Moreover, in cases where there is some chance of families picking up parolees at the destination point, strong efforts should be made to communicate with the families ahead of time.

2. Location

Technically, the release of a prisoner — i.e., transfer from prison custody — occurs at a transportation hub near the prison (unless the family picks up the parolee at the prison itself). Thus, a prison van will take San Quentin inmates to the bus station in San Rafael. The timing of this transfer depends, of course, on logistical and staffing questions that must remain within the prison administration’s discretion. But perhaps more fraught with peril is the destination of the parolee. Even if the parolee successfully makes it from the release point to a destination bus terminal — and the difficulty of bus transfers can make even this a challenge for some parolees — the real threats to good choice-making occur at the arrival point.

There is, realistically, only so much that prisons can do with respect to the location of a parolee’s release and ultimate destination. Prisons can release prisoners at the institution or transport them to a nearby transportation hub — this is, in essence, current practice and it would be unrealistic to expect prison officials to transport every individual prisoner to the destination of his choosing. It is not, however, unrealistic to expect parole officials to have already begun working with the prisoner, his family, and some of the CBOs that will ultimately be providing him services and to aid the parolee in arriving safely at his destination.

C. THE RECEPTION CENTER AND PACT

Participants agreed on the value of a locally coordinated reentry strategy for parolees, and that the effort at connecting the parolee to services and ensuring connections
among those services needs to start operating in the crucial 72-hour window. Participants’ ideas about how to coordinate reentry strategies revolved around two approaches: county reception centers, and a reinvigoration of — or recommitment to — PACT. PACT refers to the state-run Parole and Community Team — a program idea implemented in some counties whereby community service providers gather once per week to orient new parolees to services and resources available in the area. CDCR’s goal in running PACT is to promote parolee reintegration through agency partnerships and referrals to housing, substance abuse treatment services, mentoring, jobs, and schools.

Executive Sessions participants agreed that a “county reception center” is a sensible concept to serve as a one-stop-shopping area where parolees would go to learn about county drug and alcohol services, make initial appointments, and get diagnoses and medications. Of course, such reception centers can be useful throughout a long reentry period, but there was consensus at the meeting that to maximize the advantages of such a center, the parolee should visit it within the vital 72-hour period after release. Ideally the information obtainable at the center would have been conveyed in prison, but participants agreed that giving this information in a non-institutional environment would have significant benefits, since parol-
ees are outside prison and the information would seem more “real.” Along those lines, participants highly recommended the use of peer counselors — that is, ex-offenders who can speak from experience — since their messages are more often effective with parolee populations.

Participants agreed that in theory PACT might be a useful forum in which to operate such a county reception center, but as the conversation evolved it became apparent that there might be too many obstacles for this to become a reality. Participants expressed concern that PACT:

➢ Is insufficiently integrated with county government (several participants at the meeting did not even know if PACT meetings were run in their counties);
➢ Is not standardized across counties and lacks oversight;
➢ Does not have enough credibility among parolees or local law enforcement;
➢ Does not provide parolees with the proper tools to succeed;
➢ Is too focused on punishment and not focused enough on reintegration; and
➢ Is insufficiently publicized and, consequently, under-utilized.

The general consensus at the meeting was that the state is probably not the proper entity to oversee the reentry process because of its lack of connection with local and county run agencies and CBOs.

Of course, to conclude simply that the state is not the proper entity to oversee the reentry process is somewhat unsatisfying. Under our current statutory and regulatory framework, the state is the entity that oversees parole (and, hence, reentry). Participants at the Executive Sessions did not take the opportunity at this meeting to explore the possibility of a probation/parole realignment — while many believe that such a realignment would be a positive development, it would involve a massive restructuring and an innumerable set of legal, regulatory, fiscal, and logistical questions. Participants were
not prepared to take on those questions in the context of this meeting. Instead, consensus at the meeting evolved concerning two basic but critical principles: (1) regardless of which entity is responsible, there does need to be some coordinated strategy among public and private agencies and organizations involved in reentry; and (2) the proper entity to do this is probably not the state. This is another area where the 2007 Roadmap to Recidivism Reduction should be consulted, as it contains a wealth of information on this subject.

“To maximize a parolee’s opportunities for success, it would be of great benefit if prisons could release prisoners at the time most likely to make it possible for the parolee to arrive at his destination during the day, at a time convenient to those receiving him...”
As noted at the start, participants at this meeting agreed to the analytic experiment of focusing on the 72-hour release period in part because of its inherent importance in reentry and in part because a focus on this period necessitates discussion about how to prepare for that period. But another premise of this experiment was that such a deliberately limited framing of analysis might lead us to recognize larger latent issues bearing on reentry that any such targeted inquiry ultimately cannot avoid. Three such themes emerged at the meeting.

A. THE CONCEPT OF “THE LEARNING ORGANIZATION”

The focus on the mechanics of reentry in the 72-hour period obviously underscores the value of local and state experimentation with program ideas; we won’t know what works until we try it. On the other hand, of course, we want local and state agencies to implement programs whose effectiveness has been demonstrated (commonly referred to these days as “evidence based practices”). This leaves us with a challenging burden-of-proof question: should officials have the burden of demonstrating the effectiveness of any practice it wishes to implement, or should the current system’s lack of effectiveness be a sufficient basis on which to justify the adoption of a creative (but untested) new practice? To put it in practical terms, say prison officials want to adopt a policy of actively encouraging families to pick prisoners up at institutions instead of the current practice of dropping parolees off at bus terminals — should the officials have to demonstrate the effectiveness of family pick-up before adopting this new practice, or should it be enough to demonstrate the apparent lack of effectiveness of the current practice of dropping parolees off at bus terminals?

During the Executive Sessions meeting, some ideas emerged about how to avoid these extremes, and a synthesis of those ideas can be captured in the notion that agencies dealing with reentry should embrace the idea of the “learning organization” — an organization that uses outcome data to continually re-engineer and improve policies and practices. Put another way, any given practice or policy is merely the latest draft; there is always room for improvement, and always scope for rewriting based on the latest information. Evidence-based practices ultimately establish a feedback loop: we measure outcomes,
we change policies based on those outcomes, and then we measure the outcomes of the new policy. It is one thing to know whether a parolee succeeded or failed — it is another thing to know why the parolee succeeded or failed: reentry success as well as failure is a spectrum. For example, we might learn that housing was a factor in someone failing, but that the parolee’s substance abuse treatment was actually highly successful. If we disaggregate these strands we can learn what programs and policies are working, even if they were not enough by themselves to ensure that reentry as a whole succeeded.

There are some particular challenges involved in making CBOs “learning organizations.” CBOs are vital partners in reentry, and often serve as de facto case managers for reentering parolees. The term “CBO” encompasses a wide variety of organizations operating a wide variety of programs and services, among them drug and alcohol treatment, job training, housing, and education. But the core mission of these organizations is primarily to serve the reentry population, not to generate evidence to support these practices. In other words, collecting and documenting the success of these programs — something that is vital in the shift towards evidence-based practices — might not fit the skill set or core mission of CBOs. A given CBO good at, say, job training might not be good at tracking and documenting its success — and it might rationally believe that resources it would expend on documenting outcomes could be better spent on training additional clients.

At the same time, CBOs need to give prisons feedback on what worked and what did not. They can help evaluate the long-term effects of prison programs, giving feedback on which programs in prison resulted in long-term skills acquisition or behavioral changes, which were ineffective, and which were counter-productive. If a CBO has information about an offender whose parole is revoked, it might want to consider sending information to the prison about the programs the offender partially completed so he can continue his work while serving his revocation term (and the prison might want to take that information into account in configuring the prisoner’s programming regimen).

Finally, CBOs might serve a useful role in helping to track outcomes — even if not
statistically verifiable outcomes — beyond the point of parole supervision. Currently the state can easily track outcomes for parolees for the duration of their parole term, but it knows far too little about what happens when the parole term expires. CBOs might have continuing contact with the ex-parole population for a longer period of time and could help discover what, if anything, might account for successful reintegration beyond parole.

B. SECURE REENTRY FACILITIES IN THE IMMEDIATE TRANSITION

This meeting was held against the background of a potentially large but still very uncertain development in California corrections. The major 2007 legislation Assembly Bill 900 authorized the construction of new entities called “secure reentry facilities” (for convenience, SRFs) — new structures dispersed to various locations in the state to serve as transitional custodial venues for people soon to be paroled. One important aspect of these facilities involves a transfer of funds from the state to the county so that the county can play a role in operating them — independent of the county jail but possibly under the direction of the county sheriffs. Larger questions about the wisdom, design, and operation of these facilities, as well as the very question of the likelihood they will be built, were beyond the scope of our meeting. But some themes that emerged from our discussion of them at the Executive Sessions meeting are worth mentioning here.

Participants remarked that their thinking about the first 72 hours might change significantly by hypothesizing that such new facilities were present. If an SRF is a fully state-run facility, then the logistics of the first 72 hours would change. Ideally, the SRF would be especially well-equipped to do the pre-release planning discussed in Part I. If regional placement of SRFs brings the last months of imprisonment closer to the ultimate home destination of the parolee, then the risk of slippage between the point of release and proper services and housing would be reduced. Further, a SRF close to

“It is one thing to know whether a parolee succeeded or failed — it is another thing know why the parolee succeeded or failed: reentry success as well as failure is a spectrum.”
the urban areas of a county might well forge better partnerships between state and local officials than is possible now with large state prisons in remote areas. The first 72 hours after release from a SRF would be much easier to orchestrate than release from prison itself right into the local community.

If as a result of AB 900 some SRFs are established as county-run facilities (even if funded fully by the state), then the picture might change somewhat — and perhaps for the better, since the state would, in effect, be granting the counties a block grant dedicated to the very short-and mid-term reentry goals the county faces anyway. On the other hand, if the costs of staffing and programming at the new SRFs are funded by the state, coordinating them with existing county personnel and services poses interesting challenges.

C. LOCAL LAW ENFORCEMENT, REENTRY, AND PUBLIC SAFETY

Local law enforcement agencies are also key partners in reentry, serving as the first response to parolees who are either reoffending or in danger of reoffending. Law enforcement officers who are partners in reentry might, for example, know that a given parolee has mental health issues and take him to a treatment facility rather than jail. They can also be leaders in promoting the values of reentry to the community at large: people trust law enforcement and put great store in their opinions about criminal justice issues. Participants endorsed involving local law enforcement in PACT meetings, not as an intimidating show of force, but as a means of engaging parolees in a non-adversarial environment.

But law enforcement’s primary goal is to promote public safety, and while successful reentry and its accompanying criminal desistance is ultimately a key component of promoting public safety, reentry and public safety involve different kinds of responses. A security- or custody-focused

“Currently the state can easily track outcomes for parolees for the duration of their parole term, but knows far too little about what happens when the parole term expires.”
response will tend to be more punitive, whereas a reentry-focused response will use both carrots and sticks. Law enforcement participants said this cultural shift is very difficult to train and maintain. One participant said it was “inherently schizophrenic” to view parolees both as people capable of all manner of latent threats and as people who have done their time and are capable of change. In addition, the public tends to have a fairly narrow view of the role of the police — to protect our lives and property from crime — and thus will resist diversion of police resources to the more speculative goals of reentry.

The issue of SRFs also raised an interesting concern about local law enforcement. One participant noted that if local law enforcement were involved in administering the SRF (most obviously if the SRF was fully run by the county), some local tension might arise as to the proper allocation of law enforcement resources. Some participants reported that local communities have strong opinions about how prisoners are transported: when Santa Barbara County was designing a SRF, for example, local law enforcement wanted treatment providers to pick up prisoners from the reentry facility, whereas the residents near the transportation corridor wanted law enforcement to do the pick up in official vehicles. Having law enforcement pick up reentering prisoners is more expensive and, arguably, hurts public safety by diverting law enforcement from investigation and response. Participants conjectured that the community pushback would have been even stronger had the reentry facility proposed that family members do the pick up. What might make sense from a reentry standpoint might not make sense politically, given the charged atmosphere surrounding issues of perceived threats to public safety.

But this possible problem of local civic attitudes about the complex role of police raised a bigger issue and a more constructive line of thinking about the notion of “public safety.” An expanded civic understanding of the meaning of public safety, one which includes reentry, might help shape prison and parole policies as well. Prison tends to keep track only of information that is security related, not information that might be important for treatment. Changing the discussion about what public safety means in the long-term, and landing on a definition that includes successful reentry, might shift priorities in the rest of the criminal justice system as well. Thus, new approaches to reentry, especially if
they involve the local police on whom residents depend so much, would both require and encourage government to educate the public about why enhanced reentry is a component of public safety.

Most of the responsibility for successful reentry is put on the shoulders of the offender, as it should be. The parolee is responsible for making good decisions upon release. But there is another part of the reentry story as well — the role of the community as a partner. If we expect parolees to return to a community and contribute, doesn’t that imply that the parolee can expect that the community will accept his or her contributions? We demand a lot of offenders, but what do we demand of ourselves? Reentering parolees have fewer resources than almost everyone else in the community, and the demands being placed on them are greater. Do we give them more than we give others? Expect less from them? Or do we continue to realize that this population needs more support and has fewer resources, then act surprised when they fail on parole? These issues are politically difficult to engage in. After all, people go to prison for having broken the rules. But the real question is when — if ever — someone has endured a sufficient amount of punishment to have the slate wiped clean. Theoretically, a prisoner being released into parole has done the time.

The Executive Sessions meeting included two participants who had personally experienced reentry following imprisonment: one a series of unsuccessful releases followed by success, and the other a lifetime of desistance from crime. The common element that led to success was being treated as an individual, a human being, one who was really welcomed back into society. These participants said that it was often a single gesture that made the difference: a letter addressed to them in prison before release, wishing them luck. A police officer offering tough love, holding up a harsh mirror that showed the person who they were while hinting at the person they might otherwise become.

A broader idea of public safety would require civic discussion about reentry and criminal justice as a whole. The public needs to decide what kinds of chances it is willing to give ex-offenders, if any. Ultimately, it needs to decide whether it believes in the
power of ex-offenders to change, or whether all government can do is simply limit the
damage incorrigible offenders can do. If law enforcement officers necessarily get involved
in reentry, then educating the public about this wider and more diverse role for police is a
lever for opening that broader discussion.

“Changing the discussion about what public safety means in the long-term, and landing on a definition that includes successful reentry, might shift priorities in the rest of the criminal justice system as well. Thus, new approaches to reentry, especially if they involve the local police on whom residents depend so much, would both require and encourage government to educate the public about why enhanced reentry is a component of public safety.”
“Perhaps the biggest lesson about the need for information sharing is that prison and parole officials rarely learn the details of what went wrong — and what went right — when a parolee is revoked. As noted above, even though a parolee was revoked for failure to comply with one component of his release conditions does not mean that there were no successful aspects of his reentry process.”
CONCLUSION: THE FIRST 72 HOURS REVISITED

As stated in the Introduction above, the purpose of focusing the September meeting of the Stanford Executive Sessions on Sentencing and Corrections on the first 72 hours of release was threefold: (1) to acknowledge the importance of the first 72 hours in the life of a parolee; (2) to examine what the first 72 hours reveal about larger issues concerning reentry; and (3) to illuminate the gaps in the information shared between reentry partners.

Most of the participants at the meeting already knew that the first 72 hours of reentry are critical to parolees’ success, but the discussion really helped to clarify how that knowledge might be used to inform the policies and practices adopted by public officials and CBOs. For example, most participants knew that parolees who are connected with services during those 72 hours stand a much greater likelihood of succeeding, but the discussion helped to clarify that for that very reason, pre-release risk assessment tools ought to examine not only the parolee’s long term needs, but also the programming that the parolee has been doing in the prison and how that same programming might be continued in the first few days after release. Policymakers know that this time period is critical — it would be prudent of them to adopt policies and practices that reflect this knowledge.

The discussion about the 72 hours also revealed a great deal about larger issues surrounding reentry, and we chose in this report to focus on three: the concept of CBOs as “learning organizations,” the role of secured reentry facilities, and the view of local law enforcement. The larger theme here, however, is that this is an area in which the concrete and practical can influence our thinking on the abstract and theoretical, and vice-versa. The conversation during the meeting itself was extremely concrete and practical, touching on the street level issues of the reentry process, yet it taught us a lot about the somewhat more abstract issue of the evolving role of the local police as reentry partners. Our thinking about that should, in turn, inform policy choices. For example, if local police really are to be thought of as partners in reentry, that will likely influence discussions about power and control between the state and local governments in the reentry arena.
Finally, the meeting illuminated a number of gaps in the information shared between reentry partners. Currently, very little information is shared between state parole officers, county sheriffs, local police departments, and CBOs. Parole officers are given a lot of information about parolees and, in addition to their other responsibilities within their enormous caseloads, they are responsible for passing information about offenders on to treatment providers and others. But the burden of transmission may be too great on parole officials, who face overwhelming responsibilities. Moreover, the information that does get shared typically pertains to security issues; while this is obviously crucial information for public agencies to share, it is important to realize that in the reentry context, the focus should be on sharing information about parolees’ physical and mental health problems, substance abuse problems, and housing and vocational needs. Perhaps the biggest lesson about the need for information sharing is that prison and parole officials rarely learn the details of what went wrong — and what went right — when a parolee is revoked. As noted above, even though a parolee was revoked for failure to comply with one component of his release conditions does not mean that there were no successful aspects of his reentry process. He may have failed in his substance abuse treatment but succeeded in his anger management classes — this is valuable information for prison and parole officials to have.

It is not enough for information to be collected. It needs to be compiled, written up in an easily-digested form, and, most importantly, distributed to all parties involved in incarceration and reentry. One general lesson of our Executive Sessions has been that they provide an *all-too-rare* opportunity for system-wide conversations. Information sharing ultimately means more than agencies passing data back and forth; it means sharing common goals, common approaches, and a joint investment in the successful reintegration of parolees.