

Closing Recidivism's Revolving Door: Year One of Work Court at RecycleForce

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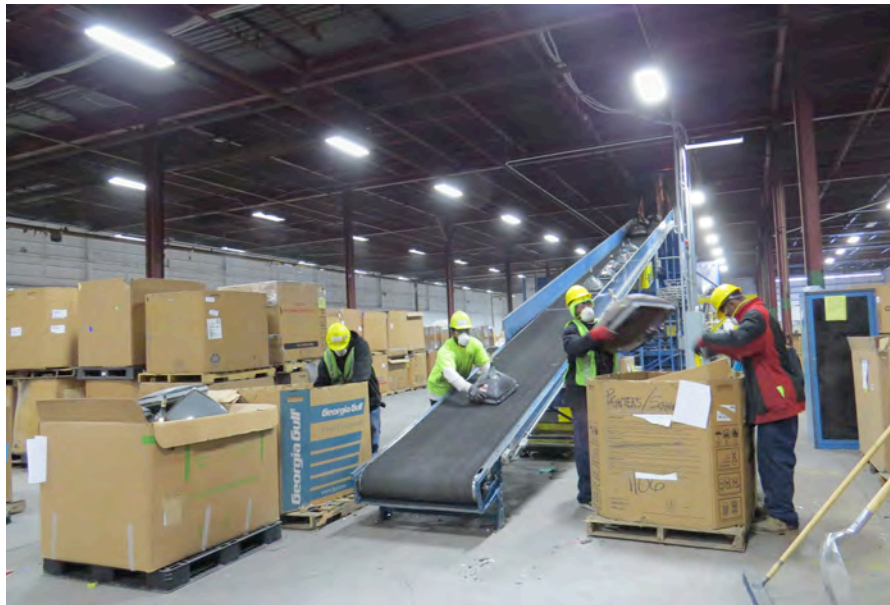
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A handwritten signature in black ink, reading "Ann B. Hyatt". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

May 5, 2015

Executive Summary

The statistics on recidivism – that is, the number of ex-offenders who return to prison within three years – are not good for Marion County, Indiana. In 2012, for example, 51% of ex-offenders were re-incarcerated. This seems like a frightening and enormous number with alarming implications for increasing crime rates. What the general public does not understand, however, is the fact that *many of those who return to prison have not, in fact, re-offended*. They have not committed a new crime but have, rather, been caught up in a cycle of violations, known as Technical Rule Violations, associated with the terms of their parole or probation.

In 2013 RecycleForce, a social enterprise based in Indianapolis, which hires formerly incarcerated individuals to work on the floor of their large Eastside recycling plant, developed a proposal to intervene in this revolving door of recidivism created by the problem of Technical Rule Violations (TRVs). Called Work Court, this project is a research-based pilot program for systems change in Marion County. Through Work Court, individuals with Technical Rule Violations who were on the cusp of being returned to prison were directed instead to RecycleForce, where they were able to participate in a 120-day program of work-training and peer-mentoring, coupled with access to a range of social services. Funded by grants from local philanthropies, Work Court provided an opportunity to individuals caught up in the cycle of TRVs, release and re-incarceration a chance to break that pattern and to develop marketable work and social skills.

In interviews, judges reported feeling that they often had no alternative when someone appeared before them in court on a TRV charge, other than sending the person back to prison. Work Court provided that alternative course of action for the courts and this research provides data that can be used to more fully develop a work court model that has the capacity to divert increasingly larger numbers of offenders who have TRVs -- but who have not re-offended -- away from prison and toward productive work.

Findings indicate that Work Court has been successful at helping individuals break the cycle of incarceration, and that it and other diversion programs emphasizing employment should become integrated into our criminal justice system in order to both save public dollars and help incarcerated individuals get their lives back on track. *In the first year of operation, Work Court served 44 individuals; the recidivism rate for that group was only 30%, representing a cost avoidance figure for Marion County of approximately \$1,216,296.*

Overview of the Problem

The statistics on recidivism – that is, the number of ex-offenders who return to prison within three years – are not good for Marion County, Indiana. In 2012, for example, approximately 51% of ex-offenders returned to prison. This seems like a frightening and enormous number with alarming implications for increasing crime rates. What the general public does not understand, however, is the fact that *many of those who return to prison have not, in fact, re-offended*. They have not committed a new crime but have, rather, been caught up in a cycle of violations associated with the terms of their parole or probation.

“During the last few years, approximately 51% of those released into Marion County have returned to incarceration within three years of their release date. The average annual cost for an incarcerated offender is more than \$25,000. Reducing the rate of recidivism would have significant economic and public safety benefits in addition to increasing the number of productive members of our community.”

**Marion County Re-entry Study
Commission Report, July 2013**

According to a 2014 presentation by Roger Jarjoura, principle researcher at the American Institutes for Research, “51.6% of prisoners released from state institutions are returned to prison within three years ... 56% of those returning to prison are sent back to prison as a revocation of their parole or probation. Of those sent back on a violation, 74% are returning to prison without having committed a new offense.”¹ Such violations, known as Technical Rule Violations (TRVs), may include such issues as: failing to appear for a drug test or having a “dirty” drop (that is, a urine sample that shows up as positive for drug use); missing an appointment with a parole

or probation officer; neglecting a child support payment; or failing to pay overdue court-related fees and charges.

While some of these matters might seem to be serious transgressions, worthy of sanctions in and of themselves, a closer look at the parole and probation system suggests that ex-offenders are caught up in a complicated web of obligations and demands that may actually impede their successful re-entry into society. According to the authors of a 2009 report, published by the Justice Policy Institute,

“Strict parole rules fill prisons with people who have trouble re-entering the community... People on parole supervision face a variety of obstacles to successful re-entry to life in the community. Among these can be conditions of parole, which are rules and requirements that must be met by the person on parole. Violating

¹ <http://www.communitysolutionsinc.net/wp-content/uploads/The-Relevance-of-Evidence->

one of these rules can lead to re-incarceration. Research has found that about three in five people on probation or parole return to prison within three years after the start of their supervision; 70 percent of these returns were not for new crimes but for *technical violations* like missing appointments and not maintaining employment” (p. 7).

Returning ex-offenders to prison as a consequence of these kinds of violations actually contributes to the injuries caused – to families, to communities and to the individuals, themselves – by the crisis of mass incarceration.

In addition to the problems created by long prison sentences for non-violent offenses, incarceration is an expensive proposition for our society to sustain. In their 2011 report, Jarjoura and Haight write that, “Our analysis shows that among all of the offenders returning to prison within three years of their release, the average length of time each offender will spend in prison is 626 days and the average cost for the new period of incarceration per offender is \$33,786.” (p. 5)

This is a shocking figure and, when multiplied by the average number of people returned to prison every year due solely to TRVs, it adds up to hundreds of thousands of dollars every year. In addition to the public

“Improving parole services and supports could save states millions of dollars ... By shifting the modality of supervision to one of support and service, states could send fewer people back to prison for technical violations. If states returned only half as many people to prison for technical violations, the justice system could save approximately \$1.1 billion” (Justice Policy Institute, May 2009, p. 1).

expense of these incarcerations, the cost to offenders attempting to rejoin the mainstream is incalculable; every time an offender is returned to prison, this means that his or her social ties with family and friends are once again severed; a job procured through great effort is lost; education is disrupted; and, going through the hardships once again of re-entering society becomes that much more challenging, and the probability of success ever more unlikely.

In 2013 RecycleForce, a social enterprise based in Indianapolis, which hires formerly incarcerated individuals to work on the floor of their large Eastside recycling plant, developed a proposal to intervene in this revolving door of recidivism created by Technical Rule Violations. Called Work Court, this project is a research-based pilot program for systems change in Marion County, which will intercept individuals with Technical Rule Violations (TRVs) who are on the cusp of being returned to prison and direct them instead to RecycleForce, where they will participate in a

120 day program of work-training and peer-mentoring and will be offered access to a range of social services. Funded by grants from local philanthropies, Work Court offered an opportunity to individuals caught up in the cycle of TRVs, incarceration, release and recidivism a chance to break that pattern and to develop marketable work and social skills.

In interviews, judges reported feeling that they often had no alternative when someone appeared before them in court on a TRV charge, other than sending that person back to prison or to do a shorter stint in Marion County Jail. Work Court provides that alternative course of action for the courts and ensures the availability of research that can be used to more fully develop a work court model that will have the capacity to divert increasingly larger numbers of offenders with TRVs away from prison and toward productive work.

Methodology

This report offers an ethnographic study of the judges, courts and offenders involved with Year One of the Work Court pilot project. Dr. Susan B. Hyatt, an anthropologist employed at IUPUI, directed this study.



RecycleForce employee and ex-offender Charles Neal explains operations to three IUPUI students.

MA students who were enrolled in a course taught through the IU School of Philanthropy collected much of the data used in this report, and I have tried to indicate whenever appropriate the specific pieces of work that were carried out by particular individuals. Ethnographic research involves the use of such methods as participant-observation and open-ended interviewing as way to gain insight into the experiences and perceptions of all of the actors involved in this process. We spoke with judges, lawyers, probation officers and

staff members from other re-entry programs, along with elected officials and the ex-offenders referred through Work Court, themselves. We also observed Technical Rule Violations hearings at Marion County Criminal Court. John Reichard, Special Project Manager at RecycleForce, offered his assistance in locating additional information.

"I was referred to Work Court through Judge Eisgruber. He decided that because of my work history and my background, this would be a good opportunity for me to turn my life around ... I think this is a good step for me to get a foot in the door. I do plan to go to school after this—I don't want to give that up." Ex-offender interview, RecycleForce.

RecycleForce was the ideal organization at which to test out the potential of the Work Court model. As an organization, RecycleForce already had a proven track record of reducing the expected recidivism rate among its participants from 51% to 26%. In addition, RecycleForce not only offered Work Court participants the opportunity for paid employment at \$10/hour (the same rate paid to all RecycleForce employees who work in the recycling plant); it also provides a range of wrap-around services that are intended to address the challenges of re-entry for formerly incarcerated individuals. These will be detailed below based on a review of existing policy research as well as on interviews carried out with Work Court participants, RecycleForce staff and with other professionals involved with the re-entry process.

Interviews with court personnel and judges suggested that they were pleased to have an alternative to prison for some of the more promising individuals who appeared in their courtroom accused of TRVs. As one participating judge, Judge Kurt Eisgruber, put it, “Conceptually, it’s an outstanding program, whether it’s to prevent people from going back to the DOC (Department of Corrections) or to transition them out of the DOC—either way, it’s just a great service. So, I applaud their efforts.”

The primary findings of this research are that Work Court has been successful at helping individuals break the cycle of incarceration, reducing the rate of recidivism among participants from an expected 51% to 30%; it and programs like it should become integrated into our criminal justice system in order to both save public dollars and help incarcerated individuals get their lives back on track so that they can become productive and tax-paying citizens of our city and state.

Outcomes of the Work Court Pilot Program

During its first year, 44 people were referred to Work Court. The referrals came primarily from Judge Alt at Re-entry Court (26) and from Criminal Court Judge Kurt Eisgruber (14), with the other 4 coming from other courts. As of March 2015, these were the outcomes:

- 2 people were withdrawn from participation early on;
- 18 had verified work placements after completing the RecycleForce program;
- 4 were still active in the program
- 12 participants timed out of the program without any employment verification;
- 5 participants were returned to DOC;
- There were 3 people whose whereabouts were unknown.

Given the challenges of finding paid work for this group, for 18 participants to have verified employment at the end of their time in the program is an impressive outcome. It must also be emphasized that without the intervention provided by Work Court, based on the recidivism rate of 51%, it is highly likely *that at least half of these individuals—22-- would have been returned to prison, rather than just 5*. This represents a reduction of the recidivism rate from 51% to 30%, which is significant.² All five of those known to have returned to prison did so because they had committed and been convicted of TRVs; only one member of this group had committed an act that could be regarded as re-offending.³

Based on the figure provided by Jarjoura and Haight (2011, p. 5), that the average cost of re-incarceration for offenders with TRVs is \$33,786, *keeping at least 36 individuals from returning to prison resulted in a cost avoidance figure for Marion County of approximately \$1,216,296 a year*.

It is the goal of the Work Court program to reach those individuals who are the hardest to serve and who therefore, have an even higher likelihood of recidivating than does even the general population of ex-offenders; in that context, this outcome is even more impressive.

As a re-entry program, RecycleForce would be considered to be highly structured, reflecting the ideas embodied in the theory of rehabilitation known as the “Risk Principle.” The Risk Principle, as developed by Edward Latessa and others, suggests that, “the level of supervision and treatment should be commensurate with the offender’s level of risk, [and it] has been confirmed by research in corrections for more than a decade” (Lowenkamp, Latessa and Holsinger, 2006, p. 77-78). In other words, providing extensive programming such as that offered by

“Offenders are not higher risk because they have a particular risk factor, but rather because they have a multitude of risk factors. Accordingly, a range of services and interventions should be provided that target the specific crime-producing needs of the offenders who are at higher risk. Multiple services are required for offenders who are at higher risk” (Lowenkamp, Latessa and Holsinger 2006, p. 89).

² Recidivism rates are calculated based on a return to prison within 3 years; since this was the first year of the Work Court program, a follow-up study in two years will yield a more accurate assessment of the recidivism rate for program participants.

³ That individual carried a controlled substance back into a work release facility; this was considered a new offense because he was under court supervision at the time.

RecycleForce, including peer mentoring, work training, employment and other social services is appropriate for intervening with those offenders who are at a high risk of returning to prison. For low-risk offenders, extensive interventions such as those offered by RecycleForce may “tend to disrupt their prosocial networks; in other words, the very attributes that make them lower risk become interrupted such as school, friendships, employment, family and so on” (Lowenkamp, Latessa and Holsinger 2006, p. 89).

There are very few, if any, other programs in Marion County or even in Central Indiana that serve the needs of this high-risk population. Sympathetic Criminal Court judges are all too aware of challenges to re-entry posed by the onerous conditions of parole and probation. As Criminal Court Judge Lisa Borges remarked,

“If you put conditions on somebody that you know they cannot meet, they’re going to feel their failure and any progress you could have made with that person is over... I will often say [to an ex-offender in court for TRVs], ‘I’ll give you the choice. I can give you a three-year sentence, one year on home detention and two years on probation. Or, I’ll give you two years at the Department of Corrections. Which do you want?’ And it’s amazing that a good third of them will take the Department of Corrections time because they know they’re not going to make it, they know what it’s like to be on probation and how it feels to fail.”⁴

Work Court offers a third way that is neither re-incarceration nor a failed probation or parole but a chance to succeed on the outside.

You Get Violated for Being Poor”: The Cost of Re-entry



Re-entering citizens from RecycleForce share their experiences at a public forum in Indianapolis.

One of the greatest barriers to successful re-entry, and one of the leading causes for Technical Rule Violations is demands that people coming out of prison pay for such costs as court-ordered fees and child support. As one re-entering citizen put it, “Fees are a very stressful part of being released from prison. First of all, when you come home from prison, nine times out of ten you don’t have a job so you have no money to pay the fees.”

⁴ Interview conducted by Andrea Groner.

In a 2010 report, Shipley found that child support payments were one of the greatest burdens re-entering citizens faced. As she noted, “Nationally, the average child support debt upon release from prison is \$20,000 or more” (p. 2).

In addition to child support payments, which can accumulate while offenders are locked up, people released from prison are also faced with the need to pay court-ordered fees for services and obligations that are part of the conditions of their release. Many offenders, for example, are required to have weekly drug tests, which currently cost \$13 per test. If they do not show up for a drug test because of lack of funds or problems with transportation, that is automatically considered to be a “dirty drop” because the assumption is that the individual avoided the test because he or she was guilty of drug use. This puts the individual in the category of having committed a violation, even if they are not actually engaging in drug use.

“You’ve got to pay your rent—you’ve got to provide shelter for your family, which for me is a fundamental human thing. There’s a few fundamental human things: shelter, food and family. And, any person will do anything to protect those three things. And, when you’re being asked to pay a fee that’s going to take away from any one of these three things, it’s just an unfair position to put people in, where they have to make those decisions.” Ex-offender interview, RecycleForce.

Individuals who are under supervision through community corrections and who are required to wear GPS monitors must also pay fees for these devices. In a 2010 survey conducted by the Brennan Center for Justice at New York University School of Law, Diller, Bannon and Nagrecha found that,

“Across the board, we found that states are introducing new user fees, raising the dollar amount of existing fees, and intensifying the collection of fees and other forms of criminal justice debt such as fines and restitution. But in the rush to collect, made all the more intense by the fiscal crisis in many states, no one is considering the ways in which the resulting debt can undermine reentry prospects, pave the way back to prison or jail, and result in yet more costs to the public.”

Other costs that people going through re-entry must be responsible for include any overdue child support payments; classes in anger management and parenting; and participating in any other programs required under the terms of their parole or probation. Even though the designated agencies that provide these services indicate that they have a sliding scale, these fees can and do quickly mount up and constitute an additional burden to re-entry.

Of course, these conditions would apply to all ex-offenders and are in no way specific to Work Court referrals. *The point about Work Court is that by giving people at risk of re-incarceration an opportunity to make even a modest living, they have resources they can use to pay such costs as fees and child support thereby subverting the chances that they will end up back in prison or jail due to non-payment of these costs.*

According to Victoria Bailey, Appellate Attorney with the Marion County Public Defender Agency,⁵

“To me it absolutely all comes down to money. It all traces back to money. People who don’t have cars should be given bus passes. People who need to take drug tests should not have to pay for them. Those costs, in the long run, add up to less than the cost of incarceration. We [as a society] are so short-sighted that we don’t want to invest in the future. We do what we can on the cheap right now. In the end more people go to prison which costs society more money because parents aren’t there to take care of their children, and when they get out, they can’t get jobs ... it’s just this disgusting spiral that in my mind could be fixed if we would fully fund and treat probation like it’s supposed to be – which is a means to rehabilitate ex-offenders.”

Re-entry Court: The Challenges of a Therapeutic Program

Several of the individuals who came to RecycleForce through the Work Court program were there as a result of referrals made by Judge Alt, a Re-entry Court Judge. In 2005, Marion County established its first Re-entry Court. According to a 2014 report, issued by the Marion County Re-entry Court,

“Studies show that problem-solving courts such as Re-entry Courts are successful in reducing recidivism, improving the quality of the community, improving conditions for victims and society as a whole ... Released from prison without the holistic intervention of the re-entry courts, individuals being paroled are at greater risk to relapse, re-offend and re-enter the criminal justice system” (p. 2).

While there is much to applaud in the concept of a re-entry court, the reality is that many of the conditions imposed were also extremely challenging for ex-offenders. It was clear that the

Lack of mental health services was a major concern. As one probation officer from Re-entry Court stated: “It is unfortunate because in many instances you’ll have an offender who has coping issues, and if you can evaluate them and identify their issues—for example, mental health or substance abuse—we can begin to help them and to keep them out of the criminal justice system”

⁵ Interview conducted by Kelly Wallace.

combination of Marion County Re-entry Court participation coupled with a Work Court placement at RecycleForce was most likely to bring about a successful outcome for participants.

Re-entry Court was designed to be a one-year program for rehabilitation. It is divided into three phases; the first two are at least 12 weeks in duration, the third is at least 90 days to complete 1 year in the program. The obligations of re-entry court include being expected to participate in 12-step recovery meetings; regular court appearances; attendance at life skills or training classes weekly; and regular drug drops. The dilemma these requirements present is that if participants are also holding down jobs at the same time, these multiple obligations require that even the most well-intentioned job-seekers find employers who can make allowances for these kinds of disruptions in the regular workday. This poses additional challenges to finding employment. As Charles Neal, re-entering citizen and RecycleForce employee put it,

“RecycleForce has the opportunity for that type of flexibility. When a person has to go for drops, to make payments, going out looking for a job, RecycleForce is the type of environment where you can allow people to do that kind of thing. For private businesses, you have to ask yourself, would you be open to that kind of flow? Would you hire an employee who’s going to have to go take his [drug] drops, he’s going to have to go see his probation or parole officer, he’s going to have to spend some time away from the worksite. Would you be able to tolerate that?”

A Work Court employee at RecycleForce, who had been referred through Judge Alt, emphasized the ways that the flexible scheduling at RecycleForce was key to his ability to complete the Re-entry Court program. After 6 months at RecycleForce, he felt that Work Court had allowed him to make great strides. As he put it,

“The program has been great for me. I’d been in Re-entry Court since May of 2012 and I graduated [from reentry court] in July of this year so it was a little over two years and two months for me, even though it was supposed to be a one-year program. Before I got sent to RecycleForce, I was running into a lot of issues—missing drops—I got arrested for driving on a suspended license. I had another job but due to me having issues in court, like missing drops, I had to spend a few days in jail for that so I ended up losing that job. It was hard for me to find some stability until I got this job. Once I came here, they made sure I came to work every day. I was going to court every Friday, and it gave me the stability I needed to get through the program. It worked out perfect for me.”

Factors that May Predict Success and Failure in Re-entry

As part of our research evaluating the impact of Work Court, the students in the class and I devised an exercise to try to see which of eleven factors we identified would be most likely to lead to success or failure in reentry.⁶ We asked a range of respondents, including judges, probation officers, lawyers, RecycleForce staff, and ex-offenders to rank order these elements, first in terms of which they thought would be most important in predicting success in re-entry, and which they thought would be most important in predicting failure.

The eleven elements (listed here in no particular order) were:

Attitude Work History Prior Incarceration Felony Conviction Level of Education Financial Situation Family History of Incarceration Support System Substance Abuse/Co-occurring Disorders Place of Current Residence Relationship with Dependents (children, elderly parents, etc.)
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There were 22 total respondents to the ranking on factors that contribute to success for re-entering citizens, and a total of 20 respondents to the ranking on factors that contribute to failure for re-entering citizens. Interestingly, when the data were analyzed using the program AnthroPac, there was a high level of consensus regarding factors that led to success; there was no or little consensus regarding the factors that would predict failure.

⁶ Michelle Like Sims was instrumental in helping to design and analyze this exercise and much of this analysis is based on her work.

RANK ORDER OF FACTORS FOR SUCCESS (Comparing Men and Women)			
	Item	Men Answer Key	Women Answer Key
1	Attitude	1	1
2	work history	6	7
3	criminal history	9	9
4	seriousness of offense	11	11
5	level of education	5	6
6	financial situation	3	4
7	family history	10	10
8	support system	2	2
9	substance abuse	7	5
10	area of residence	8	8
11	relationship with dependents	4	3

RANK ORDER OF FACTORS FOR SUCCESS FOR WOMEN AND MEN			
Item	Women Rank	Item	Men Rank
attitude	1	attitude	1
support system	2	support system	2
relationship w/ dependents	3	financial situation	3
financial situation	4	relationship w/ dependents	4
substance abuse	5	level of education	5
level of education	6	work history	6
work history	7	substance abuse	7
area of residence	8	area of residence	8
criminal history	9	criminal history	9
family history	10	family history	10
seriousness of offense	11	seriousness of offense	11

** Factors in **bold** indicate differences between men and women.

Respondents were asked, “Of the eleven factors below, please list in rank order, with ‘1’ being the most important and ‘11’ being the least important, the factors you think contribute to *success* in a work diversion program.” For males, attitude ranked as the #1 factor overall, with support system coming in at #2 and financial situation at #3. For the same question for females, support system ranked as the #1 factor, followed by attitude as a close #2, and relationship with dependents as #3. The top two factors predicting success in a work diversion program, attitude and support system, are ranked at the top two factors for both males and females.

Individuals were then asked, “Of the eleven factors below, please list in rank order, with ‘1’ being the most important and ‘11’ being the least important, the factors you think contribute to *failure* in a work diversion program.” For males, substance abuse or co-occurring disorders was ranked as the #1 factor overall. Attitude followed at #2, and level of education ranked #3. For the same question about factors that contribute to failure, for females, substance abuse or co-occurring disorders was also ranked as the #1 factor and attitude was also ranked #2.

In contrast to the males, however, relationship with dependents came in at #3 for females, suggesting that the lack of a relationship with dependents was a predictor of failure for women. The primary factors that can lead to failure in a work diversion program are substance abuse or co-occurring disorders and attitude for both males and females.

On the opposite end of the spectrum, regardless of male or female considerations, familial history of incarceration and seriousness of offense ranked as the lowest two factors for both success and failure in a work diversion program. This indicates that respondents feel that there is little correlation between these two factors and how an ex-offender will perform in a work diversion program. The survey also inquired as to any factors that the respondent feels may have been left out. Transportation was a common factor people felt was left out of the survey. Other factors cited were user fees owed, job skills, personal health, interpersonal associations, affordable or stable housing, and relationship with probation officer or community service oversight worker.

Respondents also mentioned age and maturity as significant factors. In evaluating the results of the Work Court placements, Judge Eisgruber remarked that age seemed to him to be the most important predictor of success. In general, the older referrals seemed to fare better at RecycleForce whereas some of the youngest workers were the ones who were least likely to complete the program. As Judge Eisgruber put it,

“I am frustrated with some of the people I am sending to RecycleForce. I was hoping that because this is such a good program, guys who had never been given an opportunity to work and do different things would take advantage of it. But, I am finding that for whatever reasons, I am looking at age now. The younger guys seem to be failing at a greater rate than the older guys. I guess that’s the most disappointing things because this is an opportunity unlike any other that these guys will get again.”

Another interesting result of the survey is that “relationship with dependents” ranked as the third most important for females in assessing

the likelihood of both success and failure; in contrast, this factor did not appear ranked in the top three for males in either scenario. Another interesting result is that respondents tended to rank the top factors for success the same as top factors for failure. For example, “attitude” ranked in the top two factors for success *and* failure for *both* males and females. Individuals might have ranked “attitude” as #1 for both a factor for success and for failure because a good attitude is considered a good predictor for success, and a bad attitude is a good predictor for failure. One respondent commented, “This is a two-edged sword—attitude is top in both success and failure depending on whether [someone’s] attitude is good or bad.” Another respondent said, “Attitude is always first. This usually determines everything in life.”

Ten ex-offenders who were working at RecycleForce through Work Court referrals at the time they were interviewed also completed this exercise. There was a fairly high level of agreement among them. They ranked the elements in the following order:

Success	Failure
Attitude	Attitude
Support System	Financial Situation
Financial Situation	Substance Abuse
Level of Education	Support System
Relationship with Dependents	Level of Education
Substance Abuse	Criminal History
Area of Residence	Area of Residence
Previous Work History	Seriousness of Offence
Family History of Incarceration	Relationship with Dependents
Criminal History	Previous Work History
Seriousness of Offence	Family History of Incarceration

Almost all of the respondents in every category felt that attitude was the most important factor in predicting both success and failure. There was an interesting difference, however, that emerged between the views of the ex-offenders and those of the professionals with whom they work during the period of probation or parole. The professionals considered “previous work history” to be a key predictor of success whereas ex-offenders emphasized such factors as support system and financial stability as more critical.

Job Training Opportunities⁷

As noted, employment is regarded as a key factor in helping to ensure a successful transition from incarceration to life on the outside. Re-entering citizens face two primary barriers: a lack of job skills appropriate for the current labor market and discriminatory hiring policies. In her research on transitional work programs, Shipley (2010) found that “Indiana ranks 38th out of 50 states with respect to legal barriers facing people with criminal records” (p. 4). Of course, RecycleForce cannot change the law, but it can help ex-offenders become successful in the job market by providing program participants with job training, work experience and a stable work environment. Regarding their skill sets, ex-offenders referred to the number of certificates they were able to earn while at RecycleForce. As one ex-offender said,

“They give a lot of on-the-job training here, like warehouse safety and a few more certificates that should help me searching for employment. When you apply for jobs a lot of places, they ask for your educational level and if the only thing you can put down is a GED, that makes it pretty hard because I am sure that 90% of people applying for a job have got a GED.”

Several interviewees also mentioned valuing the forklift operator’s licenses they had earned. These kinds of opportunities allow RecycleForce workers leave with credentials they can use in applying for jobs elsewhere. One challenge that remains is the fact that most employers ask job applicants up front about whether they have ever been convicted of a felony. Once they check off that box on the form, this often means that their application is thrown aside. The Indianapolis City-County Council passed a measure this past year, known as Ban the Box. As an article in the Indiana Business Journal puts it, “The ordinance says city and county agencies and their contractors cannot ask about prior convictions on job applications or in first-round interviews, unless the applicant offers the information voluntarily.”⁸

A survey conducted by the National Institute of Justice indicates that, “... 60 to 75 percent of ex-offenders are jobless up to a year after release.”

⁷ Ryan Sims contributed much of the research for this section of the report.

⁸ <http://www.ibj.com/articles/46319-city-county-council-approves-ban-the-box-proposal>

This is some help for ex-offenders who are seeking gainful employment however this measure only applies to public agencies; the private sector has yet to agree to such conditions. The issue of background checks may be a greater barrier to employment than are the lack of skills or the flexible schedules that many reentry programs require.

A 2012 report published in the *Justice Policy Journal* found that released offenders with inadequate job and literacy skills were most likely to be unemployed or to have very short periods of employment and, citing additional studies, notes that “post-release employment had exerted an important preventative mechanism to prevent released offenders from becoming involved in criminal activities” (p. 6-7). The importance of providing stable employment reinforces the emphasis that RecycleForce places on providing re-entering people with paid work.

Yet, getting a job is one of the most difficult challenges that formerly incarcerated individuals face. As Councilwoman Mary Moriarity Adams, a member of the Marion County Re-entry Commission,⁹ stated:

“If they [ex-offenders] don’t have a job, or the opportunity for a job, it’s going to make it very hard to provide shelter for themselves, to begin to pay their child support, to pay for their [drug] drops, and all the other responsibilities. It creates a huge fence to climb over in order to be successful. We [The Reentry Commission] found out that there is a high amount of recidivism of those that come out; we get about 5,000 folks returning annually to Marion County from our prison system, whether it be the jail or DOC. Of those, about ½ recidivate. They testify to the fact that there is a lot of stress on them coming out of jail or prison. No job leads them to turn to doing bad things [in order] to get money to pay for things that are required.

Most of the ex-offenders interviewed for this research reiterated that what they really wanted – and needed—was an honest job that paid a living wage. Saddled with debt, however, what constitutes a “living wage” for these re-entering citizens is actually considerably more than minimum wage. And, even those minimum wage jobs in basic service industries like fast food restaurants can be almost impossible for individuals with felonies on their record to secure—thereby re-opening the revolving door of incarceration and recidivism once again.

⁹ Interview conducted by Robin Genice Jackson.

Conclusions

Work Court is an important mechanism for intervening in the cycle of incarceration, release and recidivism due to TRVs. By diverting people to RecycleForce for transitional work, instead of sending them back to prison or jail for relatively minor infractions, ex-offenders have an opportunity to acquire work skills; earn money to pay off debts; work through issues in peer mentoring sessions; and develop a more positive attitude toward the future. As one Work Court respondent put it, “This job—it’s definitely therapy. It keeps me focused, keeps me striving, going ahead, staying motivated and knowing there’s something better. Better days is gonna come.”

Instituting and expanding the capacities of the Work Court program would save Marion County taxpayers several hundreds of thousands of dollars annually. Locking up people who have not committed additional crimes is an inefficient and self-defeating strategy for rehabilitating individuals who have already paid their debt to society through their incarceration. The Work Court option re-integrates ex-offenders into the world of work and social relationships in ways that will help ensure that we can close the revolving door of incarceration and recidivism once and for all. As one Work Court referral told me, “Working at RecycleForce is a good thing; I can take my mind to other places besides incarceration.”

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