

**Research Report and Preliminary Recommendations
Ex-Offender Transitional Employment Project
Workforce, Inc.**

Submitted by:

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This preliminary research report is the first of three anticipated products of a research partnership between the author and Workforce, Inc., (“Workforce”) an Indiana nonprofit organization focused upon job-training and placement for ex-offenders.

I. Introduction and Overview

In excess of 650,000 incarcerated individuals are released from penal institutions in America each year. While estimates vary, experts agree that at least 4,400 of those individuals will return to central Indiana. These ex-offenders—mostly men—face formidable odds against success in making the transition to lawful participation in society: some two-thirds of them will be rearrested within three years. As Part II of this report will amplify, this large recidivism rate reflects to a significant extent the difficulties these individuals will face when they return to their communities; most will face perverse incentives that seem designed to make re-offending far easier than re-integration.

One of the most intractable problems these ex-felons will face is the dearth of employment opportunities available to them. For many reasons (some sound, some not), up to 70% of private-sector employers refuse to hire ex-felons, irrespective of the nature of the underlying crime or its relevance to the workplace in question. Unemployment has been shown to significantly increase recidivism.

Workforce has considerable expertise in dealing with the issues involved, and has partnered with a number of city and state agencies and foundations in an effort to determine whether—and to what extent—the provision of subsidized transitional employment, coupled with targeted social services, might ease the transition of ex-felons into society, enabling these individuals to find full-time, unsubsidized employment, and reducing recidivism rates. This research project has grown out of that effort.

I have been engaged to analyze an interlocking set of policy and public administration issues. Some of the areas to be investigated, which have previously been identified by Workforce, include the following:

- The nature and extent of currently existing barriers faced by ex-felons trying to become productive members of society. This would include analysis of the extent to which those barriers are dependent upon the nature of the crime (i.e., domestic battery versus armed robbery) and influenced by public attitudes about the severity of the offense;
- The nature of the current concerns of potential employers; i.e., the reasons they are unwilling or unable to provide unsubsidized private-sector employment opportunities to these individuals;
- Identification of specific public policies that might be changed, or new policies that might be implemented, that might ameliorate these problems, or reduce these barriers. For example, a large percentage of incarcerated individuals have child-support obligations which their incarceration makes impossible to discharge. Upon release, many are re-arrested on outstanding child support warrants; even those who escape re-incarceration face accrued penalties and arrearages they cannot hope to pay.
- The likely costs and benefits, risks and/or rewards of potential or suggested policy initiatives—not just as those might apply to the ex-offender and prospective employer, but their consequences for the families of the ex-felons, particularly their children, and for the general community. (Research suggests that parental incarceration is a frequent predictor of children’s later criminal behavior; breaking that cycle is clearly a priority);
- For such policies as can be identified, the identities and interests of the relevant organizational and governmental stakeholders, the likelihood that those stakeholders might be persuaded to join in an effort to find workable and acceptable solutions, and identification of the channels available to communicate productively with each such group.
- cash-strapped justice systems often impose fees on offenders to offset the costs of trial, probation—even DNA testing. There is emerging evidence suggesting that these fees can have devastating consequences for people who are just emerging from prison without money or prospects for employment. There is some suggestion that jurisdictions assessing these fees have higher rates of recidivism; it is unknown what percentage of the fees assessed are ever actually collected, and at what cost. Like the child-support issue previously identified, this may be an area where costs to the taxpayer vastly outweigh benefits—fiscal or behavioral.
- business liability insurance concerns evidently prevent some private companies from employing ex-felons, and state and/or

local regulations prevent others from doing so. Reasonable changes to state and local policies might ameliorate this problem; however, it will be important to identify the consequences of any such changes.

In short, it is likely that careful analysis and communication with affected stakeholders will identify practicable policy measures that would both improve the current climate for employment by ex-offenders, and reduce the public, social and familial costs associated with recidivism. While Workforce—or indeed, any of the multitude of other nonprofit and governmental agencies concerned with these issues—is unlikely to be able to effect changes to national policy, the goal of this research is to identify desirable procedural and legal changes that can be implemented locally.

Part II of this report summarizes the research done thus far. Part IIA is a standard “literature review” of the available national, peer-reviewed scholarship on these issues. Part IIB reports the field research done thus far.

Part III of the report contains recommendations for proceeding.

Summary of Research

Existing Scholarship

Research on issues affecting ex-offenders has identified five general barriers to successful reintegration: (1) an inability to secure safe and affordable housing; (2) an inability to find sustainable employment paying a living wage; (3) difficulty securing transportation (to get to work, to visits with parole officers and treatment programs, etc.); (4) continuing difficulty with substance abuse; and (5) problems with health, including mental health. These issues are interrelated and interdependent, and there is a significant scholarly literature on each of them. For purposes of this report, however, I have concentrated on the areas of employment and housing, as the most relevant to the identified concerns.

(A bibliography of sources for the following conclusions is appended to this Preliminary Report as Exhibit A.)

When prisoners come back to our communities, many are illiterate, uneducated or undereducated, unskilled and have little in the way of support on the outside. Combined, these characteristics lead many to failure—with most rearrests occurring within six months of release (Petersilia, 2000).

Successful reintegration depends significantly upon the ability to find employment; indeed, Lipsey found that the number one most important protective factor against recidivism is employment (Lipsey, 1995). Available research also underscores the nature of the problems so many ex-offenders face in securing such employment: large numbers

of them are doubly stigmatized during job searches—first by their offender status, and again by poor employment histories.

“One year after release, as many as 60% of former inmates are not employed in the legitimate labor market,” (Petersilia, 2000:3).

In 2001, Petersilia discussed a then-recent study surveying employers in five major U.S. cities. The study found, “. . .65% of all employers said they would not knowingly hire an ex-offender (regardless of the offense)” (Holzer, 1996).

The odds faced by ex-offenders can be formidable: many come out of prison with low educational achievement, and a poor (legitimate) work history. They tend to reside in poorer areas and inner cities—areas offering few employment opportunities to anyone. This alienation from avenues of traditional work is exacerbated by employers’ reluctance to hire ex-offenders (Holzer, Raphael & Stoll, 2004), and by the likelihood that the conditions of their incarceration have not only kept them from gaining marketable skills, but may have severed “professional connections and social contacts that could lead to legal employment upon release,” (Urban Institute, 2006:4).

On top of these barriers, ex-offenders face difficulty obtaining state-issued identification documents, and many unions flatly exclude ex-cons (Petersilia, 2003), closing off many employment opportunities in some of the fields least likely to require educational certification, and thus most promising, like construction. Furthermore, even ex-offenders who do manage to secure such jobs have difficulty getting bonded. And many offenders are released from prison without state-issued identification or the requisite paperwork (e.g., birth certificate and social security card), items that are routinely required when applying for jobs or public assistance. For example, Travis (2002) has noted that Congress passed legislation in 1992 requiring states to either revoke or suspend for a period of at least six months the drivers’ licenses of persons convicted of drug-related felonies. States failing to do so risk losing 10% of their federal highway funds. Indiana is among those states that revoke licenses in conformity with this federal law.

The most common types of jobs carrying legal prohibitions against ex-offenders (as of 2003) are child care, education, security, nursing and home health care. Interestingly, all states have restrictions against ex-offenders being barbers—a particularly ironic restriction since one of the limited job training programs many prisons do offer is training to become a beautician or barber. Other jobs that are often restricted are in real estate and physical therapy. (Petersilia, 2003)

The research on employment confirms the degree to which many of these restrictions are a function of risk management and insurance. Many insurance companies have a policy that they will not underwrite bonds for ex-offenders. This is particularly problematic because many service industries now require employees to be bonded against theft (Petersilia, 2003).

Adding yet another category to this series of “closed doors,” six states permanently exclude felons from public employment. (Indiana is not one of the six.) Other states and state agencies impose varying restrictions (Petersilia, 2003).

In 2006, the Urban Institute, a nationally pre-eminent research facility, concluded an important study of ex-offender employment and reentry issues. Among their findings are the following:

- Prisoners realize that steady employment will be an important factor in staying out of prison, but few have a job lined up after release.
- Few prisoners receive employment-related training in prison.
- Prisoners who participate in work-release jobs while in prison have a somewhat easier time finding employment after release.
- Case-managed reentry services may increase the likelihood of finding and maintaining employment after release.
- Lack of transportation is a very significant barrier to employment
- Finding and maintaining employment after release reduces recidivism.

These findings are consistent with virtually all of the available research examining the relationship of employment to recidivism.

While each of the areas identified as barriers to re-entry contributes to and correlates with problems faced in the other areas, the difficulty securing stable housing and the conditions in neighborhoods where offenders settle after release have a particularly perverse impact on both successful reintegration and opportunities for employment. For example, parolees living in areas where there are high concentrations of drug use and sales are more likely to use drugs, recidivate, be unemployed and be returned to prison (Visher & Farrell, 2005; LaVigne & Mamalian, 2003).

These neighborhoods tend to be ill equipped to deal with the demands that will be placed on them by absorbing high numbers of prisoners. Community development assistance is needed in such neighborhoods both to deal with their crime problems and provide sustainable employment opportunities (Clear, Rose & Ryder, 2001).

Since so many prisoners lack reliable transportation, the ideal would be to have employment opportunities (paying a livable wage) either in or adjacent to these neighborhoods. Such siting of employment-generating enterprises would have significant benefits for community economic development as well. Unfortunately, in communities experiencing high incarceration rates and high numbers of returning prisoners, the community’s image greatly suffers—resulting in an impact on business development and financial investment (Clear, Rose & Ryder, 2001).

Whatever the prospects for luring employers to distressed neighborhoods, the research clearly demonstrates the salience of the issue: large numbers of ex-inmates come from and will return to neighborhoods characterized by high crime rates (Clear et al., 2003), high poverty and high unemployment rates (LaVigne & Mamalian, 2003).

Housing and employment opportunities are exacerbated by a variety of public policies: In some states prisoners, once released, cannot live in housing controlled by the local housing authority, nor can they live in housing that has been designated as section 8 housing (Visher & Farrell, 2005). Yet research clearly shows that ex-offenders who are able to secure stable housing are less likely to return to prison (Roman & Travis, 2004).

Housing problems are particularly relevant to employment prospects, because it is hard for individuals to find jobs in the absence of permanent addresses or phone numbers. There are a number of shelters that allow residents to list the shelter's address, but employers have "gotten wise" to this practice and tend to be especially reluctant to hire someone they know is a shelter resident and may know to be an ex-felon. Transitional housing has been identified as one viable approach that might be developed in neighborhoods absorbing significant numbers of returning prisoners.

"Transitional housing intends to provide former prisoners with a place where they can begin readjusting, start a job search, reconnect with family members, and make some positive connections without the added stress of renegotiating family relationships and paying rent" (Visher & Farrell, 2005:6).

To make matters even more difficult for returning felons needing employment and housing, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 imposes a lifetime ban on eligibility for food stamps and cash assistance under Temporary Assistance for Needy Families (TANF) for anyone convicted of a drug-related felony, and prohibits states from providing TANF assistance, food stamps, supplemental security income (SSI) and public housing to anyone who is in violation of probation or parole. States can pass legislation eliminating or limiting these restrictions, but most have kept at least the denial of public assistance and food stamps for felony drug convicts in place. (Improving Prisoner Reentry through Strategic Policy Innovations, 2005). Indiana denies all welfare benefits to people who have been convicted of a drug felony (Petersilia, 2003). (Ironically, this lifetime ban applies only to drug use; presumably this reflects a policy position that drug use is a more heinous offense than murder or rape, offenses which do not trigger such bans.)

Public housing law requires that public housing authorities and other providers of Section 8 vouchers deny housing to individuals who have been evicted from public housing because of drug-related activity; sex-offenders whose states require life-time registration; and any household member who is currently abusing alcohol or drugs (Legal Action Center, 2001).

The importance of stable housing to recidivism rates, and the role the availability or lack of such housing plays during the job search is significant, as is the availability of welfare or other benefits if an ex-offender cannot find immediate employment (as most cannot.)

The individual and his family may desperately need state or federal assistance to get on their feet. Many of these newly released offenders are not “job ready.” They still need treatment and services to get stabilized. However, if offenders have felony drug convictions (and a large percentage of them do), they are ineligible for key types of assistance. Faced with dire financial straits, the temptation to turn back to crime will often be overwhelming.

All of these nationally-identified problems are present in Marion County.

Results of Field Research to Date

Available scholarly literature underscores the interrelated and holistic nature of the issues faced by ex-offenders, and local field work—discussions with experts in criminal justice, social programs, substance abuse, housing, etc.—illuminates the accuracy of that appraisal.

This field work included meetings and discussions with representatives of the City of Indianapolis, the Marion County Court system, the U.S. Attorney’s office, the Indiana State office for Faith-Based and Community Initiatives, Indianapolis Public Schools, United Way of Central Indiana, the Indianapolis Chamber of Commerce and several large central Indiana employers, and a wide number of social service providers, including representatives of the Marion County Mental Health Association, Fairbanks Hospital, the Health Foundation of Greater Indianapolis, the Indianapolis Neighborhood Resource Center, the Indiana Department of Children’s Services and several others. In addition, informal discussions have begun with several local and state policymakers and elected officials interested in these issues. As the project continues, others will be added.

Individuals knowledgeable about these issues as they play out in central Indiana are largely in agreement about the following:

- The system that confronts an ex-offender returning to central Indiana is a patchwork of overlapping, confusing and frequently incompatible legal requirements.
- Agencies involved in servicing this population, whether nonprofit or governmental, often are unaware of each others existence; there is no central “roster” of resources, and no comprehensive or inclusive conversation among those responsible for the disparate elements of the relevant justice system.
- Individuals face multiple personal barriers in addition to these systemic problems. Those frequently include mental health and substance abuse issues, under-education for the job market, and lack of access to housing, transportation and employment.

- Policymakers are unfamiliar with the system, and unaware of the substantial added cost to taxpayers of the many redundant and incompatible public policies currently in place.
- These practical problems arise in a social environment characterized by stigma and incompatible beliefs about the nature and goals of the criminal justice system. While education of the general public is far beyond the purview of this (or most) re-entry projects, targeted education efforts will be important in the neighborhoods most likely to see ex-offenders move in.

A brief elaboration of each of these consensus items may be in order. Even a brief description of each of these problems will indicate the interrelationships involved.

The first problem, the patchwork of overlapping, confusing and frequently incompatible legal requirements, can be seen most vividly in the child-support dilemma identified in the overview. Nearly 70% of offenders, by some estimates, have child-support obligations when they enter prison. Typically, the welfare system steps in to support those children while the parent is incarcerated and unable to pay; when the parent is released, current law requires that efforts be made to obtain repayment of the amounts provided by welfare. While this seems equitable, insistence upon substantial weekly payments is nearly always impracticable: ex-offenders—when they are able to secure employment—tend to have minimum wage jobs. Most are barely able to cover living expenses. Other states have recognized the problem, and distinguished between the classic “deadbeat dad” who remains subject to the judicial system for nonpayment, and ex-offenders who simply need the ability to renegotiate the terms of repayment in a less rigid, less judicial environment.

The child support dilemma is only one example of the systemic difficulties. As Judge David Shaheed has pointed out, obtaining transportation is a huge problem for ex-offenders, who usually cannot afford a car. Indianapolis has very poor public transportation. Yet a parolee will be expected to “check in” with the court, with his/her probation officer, and at a drug-testing venue—offices which are often widely scattered across the city. To get to all of these offices will usually require coming downtown, then transferring, a trip that becomes very time consuming. In those instances where the individual has been able to obtain employment, getting time off to navigate this process is problematic. There are many other examples.

The second major concern expressed by virtually everyone interviewed was the lack of a central “roster” of resources, and the lack of communication among those working with this population and/or otherwise interested in ameliorating the problems involved. The U.S. Attorney’s office is among those recognizing the need for better co-ordination; Maxine Bryant heads up an effort by the U.S. Attorney to encourage more discussion and coordination among service providers. She has identified 110 agencies working with the ex-offender population, but is candid that there are many other stakeholders involved who are not on that list. If local service providers and government agencies

cannot “map” the service landscape, it is not surprising that individuals who might benefit from these services are unaware of their availability.

This lack of a central “clearing house” exacerbates the third problem identified by all those who were interviewed: individuals caught up in the criminal justice system face multiple personal barriers. It is in the public’s interest to make resources accessible to those who are facing these problems, both in order to minimize tax burdens and to make recidivism less likely. There are significant social and fiscal costs associated with failure to provide mental health and substance abuse counseling and treatment, job training, and access to housing, transportation and employment.

These costs point to the fourth problem identified: the amounts that taxpayers are spending as a direct result of systemic inefficiencies. Interviewees attributed a number of expenditures to the patchwork nature of the current system, among them jail overcrowding and welfare for families of those unable to obtain gainful employment.

Those familiar with these problems emphasized their interrelatedness; they also emphasized the even less tractable issue of stigma. As Judge Shaheed remarked, every ex-offender is not Charles Manson, not a murderer, child molester or rapist. Policies that are appropriate for dealing with the worst offenders sweep much more broadly. As Steven Wantz, Vice-President of Clarion Health Partners, pointed out, laws preventing Clarion from hiring certain categories of offenders disqualify—among others—people whose sole transgression was nonpayment of student loans. Surely we can make more finely-grained distinctions, just as we should be able to distinguish between the ex-felon who owes back child support and the genuinely “deadbeat” dad.

We need to acknowledge that policy changes will not be easy. In addition to the inertia that characterizes all institutional systems, policymakers approach criminal justice issues through quite different conceptual lenses. There are those who see the major goal as protecting society, and who will accordingly support measures that can be demonstrated to reduce crime and recidivism. There are others more wedded to a “law and order” approach that elevates the symbolic value of punishment and accords lesser weight to utility. These are longstanding ideological differences that all reform efforts must deal with. In order to do so successfully, relevant stakeholders must be convinced that the proposed change is in their institutional interests and consistent with the broader social goals of the criminal justice system.

Process and policy changes require several steps: consensus that a problem exists; agreement about the nature of the problem; comprehensive identification of potential solutions, with their respective pros and cons; and finally, agreement on the best policy solution to pursue. All of these steps require evidence, sound information, and thorough analysis and discussion. Just as medical science requires accurate diagnosis in order to prescribe efficacious treatment for a medical condition, successful efforts to assist ex-offenders in finding employment will require attention to all of the factors that create barriers to such employment.

The preliminary recommendations that are contained in Part III are based upon a recognition that—while the national and regional research summarized above is quite consistent in identifying the broad outlines of the problems—there is no description of details or particulars, and no easily identifiable, “one-size-fits-all” solution. One indisputable fact to emerge from the research thus far is that no one piece of this puzzle can be solved in the absence of all the other pieces, and gathering those pieces (and availing ourselves of the expertise of those involved in various aspects of re-entry) must be the first step to adequate diagnosis and prescription.

III. Preliminary Recommendations

The following three recommendations are in summary form only; should Workforce choose to act on any or all of them, more operational detail will clearly be required.

Convene Working Group

It became very clear in the course of the multiple interviews conducted for this study that—despite the significant problems and discontinuities—there is a general recognition of the importance of this issue, and a willingness to participate in finding a solution. There seems to be a genuine public will to fix the problems that can be fixed, and this is a significant asset.

The first recommendation is to build upon this public will by convening a working group representing business, government, criminal justice and social service organizations. In my discussions, I found a widespread willingness—even eagerness—to participate in an ongoing conversation, to share information and think through questions in such a forum. These stakeholders need to gather and share information, and discuss the issues involved from their institutional/organizational perspective. Who is affected by the issues of ex-offender re-entry? How? What are the concerns that have motivated current policies? How valid have they proved to be? Are there ways of addressing valid concerns of some stakeholders that do not inadvertently cause problems for others?

In its first year, the working group would be asked to produce a report, identifying the issues and problems with as much detail as possible, and also identifying suggested solutions where possible. (This report should identify *all* proposed solutions/reforms of which members are aware; it would not be necessary, at this stage, to choose among those suggestions. Indeed, it would be entirely appropriate at this stage to include concerns about the efficacy, practicability or unintended negative effects of some of the suggested reforms.) If funding can be obtained and the necessary staff support secured, the report should also include an appendix listing all resources available to ex-offenders, together with suggestions for making that list accessible to the appropriate population.

In its second year, the working group would discuss/analyze the suggestions for reform, and come to agreement on the desirability of those where such agreement is possible. The second year report should identify whether changes for which there is consensus can be effected simply through inter-agency agreement, or whether legislative action would be required, and if so, at what governmental level.

At the issuance of the second report, the group should decide how to proceed—whether its recommendations should be given to other organizations, publicized, sent to policymakers, etc., or whether members of the Working Group will proceed to lobby for their passage.

Obviously, during its deliberations, the Working Group may identify other tasks it wishes to assume in connection with re-entry issues, and it should have the ability and autonomy to do so.

Child Support Task Force

Contemporaneous with the convening of the Working Group, a special Task Force of that Group should be constituted to focus specifically on the child support issues identified above.

This more aggressive effort with respect to the set of issues surrounding child support is suggested because there is an obvious recognition of the problem by those involved, and progress has already been made in ameliorating some of the more troublesome elements of local child enforcement efforts involving ex-offenders. Given that there is considerable momentum building in this area, it would be prudent to accommodate it. The task force should include, at a minimum, representatives of the Prosecutor's office, DCS, corrections, and other social welfare agencies involved. If possible, it should also include representatives of the judiciary with jurisdiction over divorce and custody matters, the Family Law Section of the Marion County and Indianapolis Bar Associations, and the Prosecuting Attorneys Association.

Cost-Benefit Analysis

Finally, there needs to be further research into the labyrinthian economics of the criminal justice and social welfare systems as those systems are involved with the ex-felon population. I recognize that this recommendation requires resources. If those resources can be generated, however, an economic analysis would be enormously beneficial to lawmakers, and to various components of the systems involved.

During the many interviews undertaken as part of this research, it became obvious that inefficiencies and cross-purposes that characterize the current patchwork process are enormously costly. Some of those costs may be an inevitable byproduct of the criminal justice system, but it is very likely that others are not, and that substantial tax dollars

might be saved by the implementation of more effective and co-ordinated service delivery.

The research thus far has focused primarily upon the human costs of our dysfunctional system, and those are significant: families and children are affected adversely, neighborhoods are harmed, recidivism keeps crime rates, with all of their attendant social costs, high. But in addition to those human costs, which can be difficult if not impossible, to quantify, there are dollar costs as well. A good economist can map the fiscal landscape, and point to areas where better processes and policies will yield financial as well as psychic rewards.

If a Working Group can be convened, together with a Task Force concentrating on ex-offender child support issues, and an economist employed to quantify the costs involved, many of the thorniest issues facing this population can be addressed, or at least ameliorated. Such an effort will not obviate the need for national policy efforts, and some of those are currently underway; nevertheless, many of the problems identified in the course of this preliminary research—perhaps even most—can be eased by thoughtful and collaborative efforts at the local level. The will to effect these changes exists. What is missing is a mechanism for doing so.

Appendix A

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