

## MEMORANDUM

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To: Honorable Petrese B. Tucker, Chief Judge

From: Honorable L. Felipe Restrepo  
U.S. District Judge

Honorable Timothy R. Rice  
U.S. Magistrate Judge

DATE: July 1, 2013

RE: **Annual Report - Reentry Court Program**

One hundred twenty (120) ex-offenders have graduated from the district's Reentry Court Program, also known as the Supervision to Aid Re-entry ("STAR") program, and only 13 graduates (11%) have had supervision revoked, or are awaiting revocation based on new criminal activity. We also significantly expanded our network of support services, including a partnership with Temple University School of Law to have law students represent ex-offenders in Philadelphia's Traffic Court, and a proposed pilot program with the Philadelphia Housing Authority to provide affordable Section 8 housing to ex-offenders.

This memorandum is submitted for review by the Board of Judges, and outlines the progress of the program since its inception six years ago, in September 2007. Copies have been sent to all District Court Judges and Magistrate Judges.

Highlights include:

- 142 of Reentry Court's 186 total participants (76%) have either graduated or are currently participating in the program; an additional 7 participants (4%) left the program without completing it for reasons unrelated to revocation or criminal conduct.<sup>1</sup>

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<sup>1</sup> For example, participants moved from the Philadelphia area, died, or obtained employment that precluded regular attendance at Reentry Court sessions.

- 37 participants (20%) have had, or likely will have, supervision revoked based on new criminal activity or other serious violations. Although this is an increase from last year's rate of 14%, the revocation rate remains significantly below the Probation Department's revocation rate for similarly situated ex-offenders not participating in the program. For example, over a five-year period from 2007-2012, the revocation rate for the same category of high-risk ex-offenders was 47% – more than double the reentry court's 20% rate.

The reduced revocations for reentry participants also has contributed to a 26% reduction in our district's total revocation proceedings, which dropped from 321 in 2007 to 236 in 2012.

- Our success rates were validated in a May 2011 study by the Temple University Criminal Justice Department, which conducted an independent evaluation of the program's first 60 participants between September 2007 and July 2010.<sup>2</sup> Compared to similar ex-offenders who did not participate in the program, reentry court participation reduced “the odds of supervision revocation by an impressive 82 percent.” Although nearly 25% of the comparison group had supervision revoked, only 8% of the STAR participants were revoked.

The second phase of this outside evaluation will be completed in 2013. It has examined the progress of 120 participants over an 18-month period, and preliminary results appear consistent with the 2011 study. Even after controlling for other known predictors of supervision revocation, the 2013 study found that participation in the reentry program was associated with an 84% reduction in the likelihood of revocation.

The 2013 study also is evaluating the history of the original 60 Reentry Court participants over a longer span of 24 months.

- We have continued our partnership with the Philadelphia Bar Association and local law schools, which provide participants with free legal assistance for issues relating to credit repair, traffic court, license restoration, child custody, and business development.
- We have served as a model for districts throughout the country. In 2012, our

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<sup>2</sup> Dr. Caitlin J. Taylor, Assistant Professor, Department of Sociology and Criminal Justice at LaSalle University. Dr. Taylor began studying our program in 2007, while she was a Ph.D student at Temple University. She continues to evaluate Reentry Court's results and methodology in her current position at Lasalle.

program was recognized in remarks by Deputy Attorney General James Cole, and our efforts were highlighted at a national Restorative Justice conference at Villanova University.

- Reentry court has generated significant savings to the taxpayers based on the 2013 annual rate of \$28,948 for incarcerating a person in federal prison, \$3,347 for supervised release, and \$26,930 for halfway house confinement. Applying these costs to incarcerate 47% of our participants (87 individuals at an annual total of \$2,518,476), as opposed to incarcerating 20% of our participants (37 individuals at an annual total of \$1,071,076),<sup>3</sup> the savings are substantial – even after adding the cost of sanctions, such as brief confinement in a halfway house, and the daily cost of supervised release.
- Substantial intangible sociological benefits also are realized by having participants employed and engaged in other positive aspects of community life, such as mentoring, volunteering, and parenting. The reentry team agrees the program has assisted numerous ex-offenders become productive members of our community. The program also has heightened community awareness of issues faced by ex-offenders and the need to give them support upon release from prison.<sup>4</sup> Moreover, the program has helped enhance the existing positive working relationships among the judiciary, the U.S. Attorney’s Office, the criminal defense bar, the legal community, the Bureau of Prisons, the Marshals Service, and the Probation Office.

## **I. Background**

In 2007, the Board of Judges authorized a reentry program focusing on individuals in the City of Philadelphia with a significant risk of recidivism and history of violent crime. The Probation Department identifies pre-release offenders with a Risk Prediction Index (“RPI”) of 5, 6, or 7 (on a 0 to 9 scale) and seeks their consent to participate in the program. Participants have a significant criminal background (most often involving violent crime), need employment

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<sup>3</sup> As mentioned, 47% is the general revocation rate for high-risk ex-offenders, such as our Reentry Court participants, and 20% is the revocation rate for our participants.

<sup>4</sup> For example, the U.S. Attorney’s Office this year funded a documentary film, “The Pull of Gravity,” produced by ex-offender El Sawyer and Jon Kaufmann. It depicts the obstacles faced by individuals returning from prison. The film has been shown at the National Constitution Center and local universities and is being requested by other entities throughout the country.

training/assistance, or are likely to benefit from the program's resources in some other way.<sup>5</sup>

The program has myriad objectives, including preventing recidivism, reducing the high rate of violent crime in the City of Philadelphia, and assisting high-risk ex-offenders with multiple social, family, and logistical issues confronting their return to society after years in prison. Intensive judicial oversight supplements the Probation Office's supervisory regime, with ongoing input from the Federal Public Defender and the U.S. Attorney.

Approximately 40 participants, divided in two separate courts, attend bimonthly sessions in open court before a magistrate judge for 52 weeks. The sessions are monitored by U.S. Marshals and recorded by a court reporter. Representatives of the U.S. Attorney's Office, the Federal Public Defender's Office, the Probation Office, the Department of Justice Reentry Coordinator, and judges meet for about 90 minutes before each court session to discuss each participant's progress and develop plans to help the participants succeed.<sup>6</sup>

The most unique aspect of the program is the group dynamic.<sup>7</sup> All participants attend court as a group and are required individually to discuss their accomplishments and identify any obstacles they are encountering in the reentry process. This dialogue leads to the establishment of goals for the participant to achieve before the next court session. If the participant is not complying with the goals of the program or is violating the terms of release, graduated sanctions are imposed and explained to the entire group. Sanctions are employed to foster positive changes in behavior and thereby avoid revocation proceedings.

Before participants address the court, a guest speaker sometimes addresses the group for about 10 or 15 minutes on an issue of interest to the participants. Topics have included college education, career/employment counseling, health insurance, and motivational topics.

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<sup>5</sup> In 2011-12, Probation began converting from the RPI score and identifying participants based on the Post Conviction Risk Assessment (PCRA), which research has established may be a more accurate predictor of risks faced by ex-offenders. This is one example of Probation's commitment to fully adopt and support the use of "Evidence-Based Practices" to design a more effective supervision model.

<sup>6</sup> Participating prosecutors are Jason Bologna, Jennifer Williams, and Jacqueline Romero. Participating defense counsel are Rossman Thompson and Elizabeth Toplin. The assigned Probation Officers are George Reid, Robert Henderson, supervisory officer Jana Law, and administrative assistant Dee Delany. The DOJ Reentry Coordinator is Cyndi Zuidema.

<sup>7</sup> In 2012, we held our first wedding for a reentry court participant. The ceremony preceded our regular biweekly court session.

## II. Recent Accomplishments

1. We successfully launched a program with Temple Law School and the law firm Montgomery, McCracken, Walker and Rhoads that allows Temple students to represent reentry participants in Philadelphia Traffic Court. The students are mentored by attorneys Ellen Brotman and John Myers, and supervised by Professors Jennifer Bretschneider and Eleanor Myers. This year, the Temple students prevailed in several contested traffic court proceedings. The program has been praised by Common Pleas Court Judge Gary Glazer, who is serving as the Administrative Judge for Traffic Court. At Judge Glazer's urging, we are expanding the initiative to serve federal ex-offenders outside of reentry court. To support that expansion, Villanova Law School will provide additional student volunteers supervised by attorneys Michael Schwartz and Thomas Gallagher from the Pepper Hamilton law firm. In 2013, we will have 8 attorneys (2 firms) and 8 law students (2 law schools) handling traffic court matters for ex-offenders supervised by U.S. Probation.

2. We made significant strides to address the issue of affordable housing for ex-offenders. Through the efforts of the Philadelphia Housing Authority ("PHA"), we are working to begin a pilot program this year to provide vouchers for Section 8 housing to ex-offenders. The program is spearheaded by PHA's vice president, Erik Solivan, who previously served as a Reentry Court volunteer while he was a law student at Rutgers-Camden Law School. PHA also agreed to provide new handicapped public housing for Cornell Drummond, a reentry participant who uses a wheelchair because of his paralysis.

3. Employment initiatives continued to expand in 2012. Nearly all participants are employed, and we made productive contacts with numerous private employers. For example, we coordinated with the city's RISE program for ex-offenders and obtained jobs for ten reentry participants. We also launched an initiative with SEPTA to assist reentry graduates obtain jobs after they fully complete their term of supervised release.<sup>8</sup>

4. Chief Judge Theodore McKee of the U.S. Court of Appeals for the Third Circuit hired a reentry participant to work for the Third Circuit as a computer technology staff member in 2012-13. Although budget cuts precluded ongoing employment, the participant obtained valuable experience that enhanced his future employment prospects. A 2008 reentry graduate was hired by Pepper Hamilton for a full-time position, with benefits, and has excelled in the position. In addition, two other legal companies hired reentry participants for full-time positions: attorney Joseph Tucker, and Lou Cinquanto of Cornerstone Legal Services.

5. Support from the Philadelphia Bar Association and local law schools continues to be extraordinary. Reentry participants benefit from free legal assistance for issues such as housing,

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<sup>8</sup> Although SEPTA refuses to hire ex-offenders who are on supervision, it will hire ex-offenders who have fully served their sentence.

business establishment, credit repair, child custody, licensing, and traffic violations. Such tangible assistance enhances the program's credibility with the participants and helps remove impediments to employment. When a participant identifies the need for legal assistance in court, students from local law schools conduct an intake interview to establish eligibility for pro bono legal assistance. The Bar Association's Volunteers for the Indigent Program (VIP) then recruits attorney volunteers to handle the matter.<sup>9</sup> In addition, attorneys from the Young Lawyers Division (YLD) have volunteered to assist several reentry participants with legal issues ranging from estate disputes to music copyright law.

6. The reentry working group continues to exemplify cooperation. The process has worked flawlessly and has become a national model. The working group considers a wide range of issues, from program policy to potential sanctions, and has uniformly achieved consensus on all issues. This cooperative spirit has been the hallmark of the reentry program since its planning stages in 2006 and is a prime reason for its success. Observers from visiting districts consistently note the positive relationships within the working group.

7. All reentry participants either have a high school degree, are obtaining a GED,<sup>10</sup> are attending college classes and vocational training, or are employed full-time. Officials of Philadelphia Community College continue to assist participants with college applications and financial aid. College officials have visited the reentry program several times, and several reentry participants are availing themselves of the opportunity to obtain advanced degrees or vocational training.

8. Sanctions have been graduated and highly successful. One of the program's strengths is the reentry judge's ability to impose swift sanctions for any deviation from the conditions of supervised release, or to encourage positive reentry behavior. The working group has strived for consistency and predictability in sanctions to ensure the participants are treated fairly. Sanctions have included the loss of weekly credit toward completion of the program, curfews, home confinement, placement in a halfway house, and brief periods of imprisonment. A sanction of imprisonment is imposed only after other sanctions have failed, or in combination with the need to arrest a participant for failing to appear for court sessions or while awaiting placement in an in-patient drug treatment program. Some participants also have benefitted from in-patient or out-patient drug/alcohol treatment. Community service is not employed as a sanction; rather, it is used to provide opportunities for participants having difficulty securing employment.

9. Research has identified that one of the central predictors of recidivism is "criminal thinking patterns." Probation has successfully launched a Cognitive Behavioral Therapy program called "Thinking for a Change" to address such barriers to successful reentry. Its

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<sup>9</sup> Participating law schools are Rutgers-Camden, Temple, Drexel, Penn, and Villanova.

<sup>10</sup> Temple Law School Professor Robin Nilon volunteers to provide weekly GED tutoring to reentry participants. As a result, two reentry participants are expected to earn a GED in 2013.

purpose is to change the behaviors of offenders by restructuring their thinking so that their behavior is positively impacted. Topics include: active listening, cognitive self-change, recognizing risk, and problem solving. Reentry Court was used as a pilot test for this initiative, which proved so successful that it is being expanded district-wide. This program is one of the Evidence-Based Practices recommended at FJC conferences as an effective way of ensuring successful reentry and reducing recidivism.

### **III. Conclusion**

After six years, the reentry court program continues to unite all players in the federal criminal justice system. Our program has now become a critical component to help ex-offenders rebuild their lives while also reducing recidivism.

cc: Honorable Theodore McKee, Chief Judge, U.S. Court of Appeals  
Ronald DeCastro, Chief, U.S. Probation  
David B. Webb, United States Marshal  
Michael Kunz, Clerk of Court  
Zane Memeger, United States Attorney  
Leigh Skipper, Chief Federal Defender  
Cyndi Zuidema, Esquire, DOJ Reentry Coordinator  
Joseph Norwood, Regional Administrator, U.S. Bureau of Prisons  
Mark Sherman, Federal Judicial Center  
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