

Rewarding Rehabilitative Outcomes:

A Proposal for Reorienting the Corrections System Towards Rehabilitation and Restorative Justice

October 2020

The Rewarding Rehabilitative Outcomes (RRO) project promotes restorative justice with a new concept for equipping and incentivizing non-governmental correctional organizations to rehabilitate inmates.

The U.S. prison system is failing to rehabilitate inmates, with devastating results. A person passing through the system has an 83% chance of being re-arrested within next nine years of release. In addition to immeasurable social and psychological costs, incarceration takes approximately \$1 trillion out of the economy each year.

The problem is not that we lack effective approaches to rehabilitation. There are numerous rehabilitation programs that greatly reduce recidivism and increase employment post-release. The problem is that the prison system is not incentivized to use or expand these programs. Private prisons, in particular, have exactly the opposite incentives – they are paid to crowd in as many inmates as possible and make profitable side deals using their inmates' extremely undervalued labor. They only stand to benefit if inmates are re-incarcerated.

As a result, the systemic causes of recidivism go unaddressed. The complexity of the problem sometimes means we give the corrections system a pass for ignoring it – we say there's nothing we can do about the effects of things like racism, class inequality, substance abuse, family circumstances, and poor education.

The RRO project aims to change this structure with a pilot project that orients the corrections system toward rehabilitation. **It empowers non-governmental restorative justice organizations to care for existing inmates as clients and compensates them in direct proportion to their clients' life outcomes after release.**

The RRO pilot functions as follows:

- (1) The RRO works with government and civil society to create a metric for rehabilitation – for instance:
 - If a former inmate is not convicted of a serious crime in a given year after release: 50 points.
 - Every dollar a former inmate earns in a given year after release (private-sector/for-profit employment): .001 points.
 - Every dollar a former inmate earns in a given year after release (public-service/non-profit employment): .002 points.

Ex. In the year after being released from prison, Dan finds a job at Goodwill earning \$15,000 and stays out of prison. For that year, the point total is 50pts + (15,000 * .002) = 80pts.

- (2) The RRO works with government and civil society to set a base rate of a certain dollar amount the government will pay per point. *Ex.* \$1,000/point
- (3) A group of 20-30 non-governmental organizations (NGOs) with experience in restorative justice joins the RRO.
- (4) A social-impact fund is organized to provide capital to many of these NGOs to help them cover their up-front costs. The fund draws upon grants, individual donations, and investments and selects organizations pursuing a variety of different promising approaches to rehabilitation.
- (5) A pool of 500-800 current inmates voluntarily opts into the program.
- (6) Round 1: The NGOs select inmates from the pool to take under their custody. For each inmate selected, the government agrees to pay the NGOs the base rate for every rehabilitation point earned each year after that inmate is eventually released (e.g., on parole or at the end of their sentence). The inmates selected in the round will likely be the ones the NGOs believe are the most likely to live positive lives after release.

Ex. Transformative Justice Center (TJC), an NGO participating in the RRO, chooses Dan (above) right away and cares for him until release. It will be paid \$1,000/point each year for its service to Dan after he is released.

- (7) Round 2: For all inmates not selected in the first round, the government agrees to pay the NGOs the base rate plus 20% for every rehabilitation point earned each year after release. The NGOs select more inmates in this round. *Ex.* $\$1,000 * 1.2 = \underline{\$1,200/\text{point}}$
- (8) Rounds 3, 4, 5, and following: For all inmates not selected in a previous round, the government increases the rate per point by another 20%. Eventually all inmates in the pool are selected, including the inmates that are seen as the least likely to become rehabilitated.

Ex. Frank, an inmate with a long history of violent criminal behavior and mental health issues, is chosen by NGO Higher Pathways in the fifth round. Higher Pathways will be paid: $\$1,000 * 1.8 = \underline{\$1,800/\text{point}}$ each year for its service to Frank after he is released.

- (9) The NGOs take inmates into their care and treat them in ways most likely to lead to their rehabilitation. They use their up-front funding to lease space and implement the most effective rehabilitation programs in existence; promoting a sense of self-worth and responsibility; vigorously preventing violence and abuse; offering counselling, work programs, education, etc.

Ex. TJC offers programs that have been proven successful by other organizations, especially in the areas of job training, cognitive behavior therapy, and recreation. Higher Pathways focuses heavily on individual-based programming and education. All vigorously prevent abuse by guards and inmates.

(10) As a backstop, the NGOs are held accountable by an oversight body that monitors, investigates, and, if necessary, fines them to ensure compliance with minimum standards of care. Additionally, inmates can choose either to be transferred to another NGO or to leave the program altogether and go back to a normal prison.

(11) As inmates are released, the government begins paying the NGOs that cared for them based on the point value determined when the inmates joined the program.

Ex. The first year after Dan (above) is released, TJC is paid $80\text{pts} * \$1,000 = \underline{\$80,000}$ for its service to Dan. It is paid the same the next year. After release from Higher Pathways, Frank has a very hard time finding a job, however he stays out of prison and by year two he finds a job with a shipping company earning \$30,000/year. In the first year, Higher Pathways is paid: $50\text{pts} * \$1,800 = \underline{\$90,000}$ for its service to Frank. In the second year it is paid: $80\text{pts} * \$1,800 = \underline{\$144,000}$.

(12) More social-impact investment funds flow into the program from private investors and foundations. NGOs that are highly successful attract more investment, which they use to expand their facilities and services to inmates.

Ex. TJC and Higher Pathways invest in post-release services, like continued counseling and career coaching, transitional housing, and cash assistance, as well as expanded services to current inmates in its care.

(13) The most effective rehabilitation approaches spread throughout the program. Social workers, therapists, and others have funding to innovate groundbreaking rehabilitation techniques for people no one else believed in.

As a result, the RRO doesn't just push the corrections system in a slightly better direction, it fundamentally re-orientes the system toward rehabilitation. Inmates become the customers, or clients, of the organizations incarcerating them. To stay afloat, the organizations will have to serve their best interests by improving conditions in prison and maximizing the life possibilities of every person in their care.

Scenario: New Hope and Thomas

Thomas is a detainee who has both a substance addiction and a diagnosed mental illness. He is currently serving a sentence for involuntary manslaughter and has 7 years remaining on his sentence before being eligible for parole, which he is currently serving in a state penitentiary.

Thomas applies for the RRO program and undertakes evaluations with psychiatrists, social workers, and other professionals. The facilities that are part of the program study his evaluation, and none have very strong hopes for him. All believe he is very unlikely to be rehabilitated to any significant degree. However, several of the facilities have developed a program for treating addictions and mental illnesses. After several rounds of no facility choosing Thomas, eventually the rate the government is willing to pay for Thomas' rehabilitation reaches \$4,600 per point. One of the

facilities select Thomas at this rate, estimating that he will have an average of 30 rehabilitation points per year after he is released from their facility.

After two years, Thomas is still struggling. The facility does not appear to be helping him take steps to managing his mental illness and Thomas is unhappy with the facility. He decides he wants to go to another facility or, if he can't, to go back to his old prison. Unfortunately, few facilities are willing to take Thomas under their care, because based on his experience with his current facility, they are even less optimistic than they were before about his prospects for rehabilitation.

However, last year, a new community-oriented treatment center, "New Hope," entered the system and has developed programs for treating mental illness just like Thomas' based on leading research. They are relying on techniques that have been highly successful in Canada, Europe, and a few small programs in the United States.

New Hope meets with Thomas, talks with him about his experience at his current facility, and tells him about what life would be like for him at New Hope. Thomas has become suspicious about all facilities, but knows that if he doesn't end up liking New Hope, he could always go back to his old prison and serve the rest of his sentence there. He decides to give it a try.

Thomas' progress at New Hope is noticeable. He joins support groups and meets with therapists and mentors who help him with a new approach to managing his thoughts and emotions. Thomas feels happier at New Hope, since he feels he is treated with more respect, has a supportive community, and can contribute positively to the lives of the people around him.

At the end of Thomas' sentence, he is released on parole from New Hope, but New Hope helps him with finding a place to stay and a job at a local community non-profit serving the homeless. He still occasionally meets with some of the people from New Hope, both his former counselor and a few of his friends who were also under New Hope's care.

Eight years after his release, Thomas remains clean and enjoys helping people at the non-profit, where he still works. He recently fell in love, got married, and has a child on the way. Things haven't been perfect, but he feels stable and that his life is on a much more positive path than before he was incarcerated.

Since no one expected Thomas to do well after release, New Hope was able to take him under their care at a low cost. But because he beat everyone's expectations through New Hope's approach, New Hope now earns a big return on its investment in caring for Thomas. With results like his, New Hope thrives financially, and more NGOs use New Hope's approach. This means more detainees like Thomas, who everyone thought were helpless, get help that never existed before, enabling them to live full lives after release.