



Second Chance Act of 2007: Community Safety Through Recidivism Prevention

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The Second Chance Act of 2007 was signed into law by the president on April 9, 2008 after receiving broad bipartisan support from Congress. The legislation reauthorizes the Omnibus Crime Control and Safe Streets Act of 1968 (OCCSSA), authorizing grant funds that promote comprehensive planning and collaborative delivery of services to individuals recently released from prison. The Second Chance Act, H.R. 1593, was introduced by Representative Danny Davis on March 20, 2007. It passed in the House by a 347 to 62 vote on November 13, 2007 and cleared the Senate by unanimous consent on March 11, 2008. Earlier versions of the Second Chance Act were introduced by Senators Biden and Specter and then-Representative Portman.¹ The law is available at <http://thomas.loc.gov>.

The Second Chance Act reauthorizes (but does not appropriate funds for) \$300 million in grant programs to facilitate successful reentry. The legislation authorizes:

- \$110 million for adult and juvenile offender state and local reentry demonstration programs;
- \$40 million for grant projects to provide job training, mentoring, and transitional services;
- \$20 million for reentry courts;
- \$130 million in funding for substance abuse treatment, education and training, and mentoring.

The legislation also directs the Attorney General and Bureau of Prisons to establish a federal prisoner reentry initiative and other pilot programs, funds a number of research studies, and includes other provisions.

ADULT AND JUVENILE OFFENDER STATE AND LOCAL DEMONSTRATION PROJECT GRANTS

Section 101 of the Second Chance Act amends section 2976 of the OCCSSA (42 U.S.C. 3797w) to

reauthorize \$110 million in federal grant funds for adult and juvenile offender reentry demonstration projects to provide pre-and-post release services for incarcerated and reentering persons, to engage families, and to address victim needs. The grant program is administered by the Attorney General. Grant projects must incorporate a long-term strategic plan, a reentry task force, and a rigorous evaluation component.

Eligibility for grant funds:

- States, local governments, territories, and Indian tribes may apply.
- Grant applicants must develop a **long-term reentry strategic plan** that includes a goal of reducing recidivism by 50 percent over a 5-year period, measures progress and performance outcomes, and include extensive public and private coordination. Required outcome measures address recidivism, supervised release violations, substance abuse, mental health, employment, education, housing, and child support.
- Grant applicants must establish a **Reentry Task Force** that examines ways to pool funding streams, identifies best practices, and analyzes supervised release processes.
- The grant application also must (1) have the support of the chief executive officer; (2) demonstrate interagency collaboration; (3) incorporate a governmental task force; (4) address legal barriers to reentry; (5) identify the respective roles of governmental and non-profit agencies; (6) provide for an evaluation with evidence-based evaluation methodology and outcome measures; and (7) describe replication strategies.
- Funding priority will be given to applications (1) from geographic areas with a disproportionate reentry population; (2) that target high-risk offenders; (3) with a strong community consultation and coordination component; (4) that demonstrate effective case assessment and management designs, including pre-release planning; (5) that undertake a review of supervised release processes; and (6) that provide for an independent evaluation that include random assignment and controlled studies “to the maximum extent possible.”

Grant funds may be spent on:

- Educational, literacy, vocational, and job placement services to offenders in prisons, jails, or juvenile facilities;
- Substance abuse treatment and services, including housing and health care, including veteran-specific-services;
- Programs that encourage “safe, healthy, and responsible” family and parent-child relationships, and to involve families in comprehensive services;
- Coordinated post-release supervision and comprehensive services;
- Activities to involve in-prison mentors in the reentry process and enable them to remain in contact after release;

- Victim-appropriate services, activities to encourage payment of restitution, and security, counseling and other services;
- Validated risk assessment tools and procedures.

Funding provisions:

- The legislation authorizes \$55 million for each of fiscal years 2009 and 2010.
- The legislation sets aside 2 percent of the funds for an evaluation by the National Institute of Justice.
- The Attorney General may use 2 percent of the funds to establish a National Adult and Juvenile Offender Reentry Resource Center.
- Grantees must contribute 50 percent of the project funding, half of which may be in-kind contributions.
- Violent Offender Truth-In-Sentencing federal grant funds (used to build correctional facilities) may be used to carry out activities referred to in the adult and juvenile offender reentry demonstration grant program. (Sec. 104, amending 42 U.S. C. 13703(a))

GRANTS FOR RESPONSIBLE REINTEGRATION OF OFFENDERS PROJECTS

Section 212 of the Second Chance Act authorizes \$40 million in grants administered by the Secretary of Labor to nonprofit organizations to provide job training and job placement services, mentoring, and other comprehensive transitional services to assist offenders in obtaining and retaining employment.

Eligibility for grant funds:

- Nonprofit organizations may apply.
- Applicants must describe partnerships with the criminal justice system, the local workforce investment boards, and housing authorities.
- The proposed project must be located in an urban area, have a large number of returning prisoners, and have a high recidivism rate.

Grant funds may be spent on:

- Mentoring, including support, guidance, and assistance in the community and the workplace.
- Providing job training and job placement services in coordination with the one-stop workforce partners and operators, businesses, and educational institutions, including work readiness activities, job referrals, basic skills remediation, educational services, occupational skills training, on-the-job training, work experience, and post-placement support.

- Providing transitional services, including prerelease outreach, orientation, intake, assessments, counseling, case management, and coordination with other programs.
- Grant funds may not be used for substance abuse, mental health, or housing services.
- Grant funds may be used for offenders who are at least 18 years old, convicted as an adult for a non-violent offense, imprisoned under state and federal law, and released for not more than 180 days (with exceptions).

Funding provisions:

- The legislation authorizes \$20 million for each of 2009 and 2010.

GRANTS FOR REENTRY COURTS

Section 111 of the Second Chance Act authorizes \$20 million for state, tribal, and local reentry courts administered by the Attorney General to provide reentry and community services, convene community and victim impact forums, and implement graduated sanctions and incentives (adding new Sec. 2978 to the OCCSSA).

Eligibility for grant funds:

- State, local and tribal courts may apply, as well as public agencies and nonprofit organizations with agreements with courts to take the lead in establishing a reentry court.
- Applicants must describe its long-term strategy, implementation plan, evaluation methodology, and outcome measures.
- Applicants must coordinate with a range of agencies.

Grant funds may be spent on:

- Monitoring juvenile and adult offenders reentering the community;
- Coordinated and comprehensive reentry services, including substance abuse, health, aftercare, and case management services, and other services needed for reentry;
- Community services, including housing, education, job training, conflict resolution skills, batterer intervention, and other social services;
- Community and victim impact panels and educational classes;
- Implementing graduated sanctions and incentives.

Funding provisions:

- The legislation authorizes \$10 million for each of fiscal years 2009 and 2010.
- Grantees may receive grants up to \$500,000.
- Grantees must contribute 50 percent of the project funding, half of which may be in-kind contributions.

SUBSTANCE ABUSE TREATMENT GRANTS AND OTHER PROVISIONS

- Authorizes \$20 million in grants administered by the Attorney General to state, tribal, or local prosecutors to develop, implement or expand qualified drug treatment programs as alternatives to imprisonment. (Sec. 112, adding new part CC, sec. 2901-2907, to the OCCSSA).
- Authorizes \$20 million in grants administered by the Attorney General to state, tribal, and local governments to expand comprehensive family-based substance abuse treatment programs as alternatives to incarceration for nonviolent parent drug offenders and provide prison-based family treatment programs for incarcerated parents of minor children. (Sec. 113, adding new part DD, sec. 2921-2927, to the OCCSSA)
- Authorizes \$30 million in grants administered by the Attorney General to state, tribal, and local governments to improve drug treatment for incarcerated persons and reduce the use of alcohol and other drugs by incarcerated long-term substance abusers. (Sec. 201)
- Requires states receiving federal funds to provide residential substance abuse treatment for state prisoners to provide aftercare services, and redefines "residential substance abuse treatment program" for purposes of state and federal prison programs (Sec. 102, amending 42 U.S.C. 3796ff-1©and 3796ff-3(d); sec. 252, amending 18 U.S.C. 3621(e)(5)(A))
- Redefines "violent offender" for purposes of eligibility for federally-funded drug court programs (sec. 103, amending 42 U.S.C. 3797u-2).

EDUCATION AND JOB TRAINING GRANTS

- Authorizes \$10 million in grants administered by the Attorney General to state, tribal, and local governments to evaluate and improve academic and vocational education for prisoners in prisons, jails and juvenile facilities. (Sec. 114, adding new part JJ to the OCCSSA)
- Authorizes \$20 million in grants administered by the Attorney General to state, tribal, and local governments to provide technology career training to prisoners. (Sec. 115)

MENTORING GRANTS

- Authorizes \$30 million in grants administered by Attorney General to nonprofit organizations and Indian Tribes to provide mentoring, transitional services, and training for re-entering persons. (Sec. 211)
- Directs the Bureau of Prisons to implement a policy to ensure that any person who provides mentoring services to an incarcerated person is permitted to continue such services after the individual is released. (Sec. 213)

FEDERAL PRISONER REENTRY INITIATIVE AND PILOT PROGRAMS

The Attorney General, in coordination with the Bureau of Prisons, is directed to establish a federal prisoner reentry initiative and other pilot programs to:

- Assess each prisoner's skill level and needs at the beginning of incarceration.
- Develop a skills development plan.
- Provide program assignments based on assessed need.
- Give priority to high-risk prisoners.
- Coordinate with other federal, state, local, tribal, community-based, and faith-based organizations to effectuate seamless reintegration into communities.
- Collect information about a prisoner's family relationship, parental responsibilities, and contacts with children to help prisoners maintain family relationships.
- Provide incentives for prisoner participation in skills development programs.
- Assist prisoners to obtain identification prior to release.
- Improve reentry planning (including health and nutrition, employment, literacy and education, personal finance and consumer skills, community resources, personal growth and development, and release requirements and procedures), transition into the community, and collaborative partnerships.
- Track prisoner reentry needs, evaluate the performance of institutions, implement corrective action plans, measure recidivism outcomes, set goals, and report to the Congress.
- Ensure prisoners in community confinement access to medical care, mental health care, and medicine.
- Conduct a pilot program to place eligible elderly offenders in the custody of the Bureau of Prisons on home detention.
- Establish the Federal Remote Satellite Tracking and Reentry Training (ReStart) program to promote effective reentry for high risk individuals, including satellite tracking and monitoring technologies. (Sec. 231)

RESEARCH PROVISIONS

The Second Chance Act authorizes \$20 million for the following studies (Sec. 245):

- Instructs Attorney General to submit to Congress a report on Department of Justice practices and policies pertaining to physically restraining prisoners during childbirth. (Sec. 232)
- Authorizes National Institute of Justice to conduct research on characteristics of minor children with incarcerated parents and likelihood of their involvement with the criminal justice system, recidivism across states and, characteristics of formerly incarcerated individuals who do not engage in recidivism. (Sec. 241)
- Authorizes Attorney General to award grants to states to study and improve the collection of data pertaining to individuals whose parole or post-incarceration supervision is revoked and assess the risk these individuals pose to victims and communities. (Sec. 242)
- Authorizes Attorney General to collect data and determine best practices for communication and coordination between state corrections departments and child protection agencies to ensure the safety and support of children of incarcerated parents and support parent-child relationships. (Sec. 243)
- Authorizes Attorney General to make grants to public and private research entities to evaluate the effectiveness of depot naltrexone to treat heroin addiction. (Sec. 244)

OTHER PROVISIONS

- Directs Bureau of Prisons to ensure, to the extent possible, that a portion of a prisoner's final months of their term are spent under conditions that will help prisoner to adjust to and prepare for reentry into the community. Authorizes the Bureau of Prisons to place prisoners to spend up to 10 percent or 6 months of their term in home confinement. (Sec. 251)
- Discontinues the Standardized Chapel Library project and any other policies that restrict prisoner's access to any materials available in a chapel library. (Sec. 214)
- Authorizes public and private contracts to monitor and provide services. (Sec. 253)
- Extends the National Prison Rape Elimination Commission and report deadline from 3 years to 5 years. (Sec. 261)

ⁱ S. 1060, S. 1934, and H.R. 1704, respectively.