

Testimony
Chief United States Probation Officer Doug Burris
Eastern District of Missouri
Before the Senate Judiciary Committee
Subcommittee on Crime and Drugs
“The First Line of Defense: Reducing Recidivism at the Local Level”
Thursday, November 5, 2009

I first must start out expressing my sincere gratitude to the Members of this Subcommittee for allowing me to testify today, it truly is an honor. I’m here representing the Eastern District of Missouri, where I serve as the Chief U.S. Probation Officer. I’ve held this position for over nine years and believe that I have the best job on the planet. I wake up without an alarm clock at 5:00 every morning and can’t wait to get to work.

With well nearly 2,400 people on our caseload, my District ranks 18th in size of the 94 Districts that make up the federal system. In spite of ranking 18th overall, we rank in the top ten in the number of people on supervision in the federal system for firearms, methamphetamine, and crack cocaine convictions. Specific to firearms cases, we rank seventh. More people are on supervision for a federal firearms conviction in St. Louis than are on supervision for the same crime in Chicago, Los Angeles, or New York City. As to drug cases, Eastern Missouri ranks sixth in size for crack cases. In fact, early in 2008 our District hosted one of two federal crack summits, where people from throughout the nation convened to prepare for the retroactive change that took place with the crack laws in March 2008. I will discuss these cases in detail later. While Missouri Eastern ranks in the top ten for federal gun, crack, and meth cases, there is one area where we rank number one. Unfortunately it is with new sex offender indictments. Over the last two years, our District has experienced more indictments on sex offenses than any other Federal District.

Having shared this information, it probably is of no surprise that the Eastern District of Missouri has one of the most at-risk caseloads in the system. In fact, with every single offender under our supervision, Federal Probation utilizes the Risk Prediction Instrument, or “RPI.” This is a points-driven instrument that scores such items as drug addition, violence, and lack of education and family support. The higher the score, the more likely an individual is to recidivate. Of the 94 Districts in the system, last year Eastern Missouri had the second highest RPI average.

With this caseload being so at risk, it was no wonder that we often had one of the higher revocation rates in the system. Revocations are defined as when someone fails community supervision and returns to prison. However, a wave of change took place in our District in 2000, when we began collaborating with various community partners and doing what we could in eliminating barriers to success. The first area that we concentrated on was employment.

To share the importance of employment on recidivism, all one has to do is examine the impact of having a job at the time of a case closing. More than 200,000 federal offenders had their cases closed from 2002 through 2006 by successfully completing supervision or by being revoked and returning to prison. Of those who started and ended supervision unemployed, 53% failed and returned to prison. Of those who started and ended supervision employed, only 7% returned to prison. These results included those at the highest risk. Individuals who possessed the highest risk prediction scores and were unemployed at the start and end of supervision had a revocation rate of 78%. However, the high risk individuals who started and ended supervision employed had a revocation rate of only 23%.

When we started our ex-offender employment program, the unemployment rate in the community was 3.6%, while our caseload unemployment rate was 12.1%.

Aiming to lower the caseload rate, we received training from the National Institute of Corrections on an Offender Workforce Development curriculum. This set the foundation for our program. We began seeking employers who offered a living wage and health benefits, not minimum wage and part-time fast food positions. At the beginning we had a lot of doors slammed in our face. However, with the help of various incentives and the promise to employers that we would team with them to ensure that we would do all we could to eliminate barriers so that the ex-offenders could be excellent employees, we eventually began having some success. Along the way we had to adapt our approach. For example, we found that an employee had to possess an interest in a position, and those who did not like their jobs did fail in those positions - regardless of how much a job paid. We also had to strengthen our options for drug and mental health treatment and bring forth a cognitive program to teach individuals to stop and think before reacting. Transportation was often a big hurdle, and we even held bake sales in the federal courthouse to use the proceeds for bus passes. We worked with faith-based groups, private agencies, unions, and educational and vocational training programs. As our partners grew and our network of employers willing to give someone a second chance increased, the successes began to multiply. Those who had jobs they enjoyed caused less problems and adapted to the community. Our caseload unemployment rate began to decrease, and at the same time, so did our revocations and violations.

Nothing breeds success like success, and we eventually achieved something that I never dreamed possible. Local governments and law enforcement groups began endorsing ex-offender employment as a crime reduction strategy. Additionally, nearly five years ago, our caseload - again one of the most at-risk caseloads in the system - experienced an unemployment rate less than that of the community. For 47 months now, our caseload unemployment rate has been less than the community unemployment rate. When a snapshot was taken last month, our caseload unemployment rate was

4.3%, while the general population unemployment rate was 9.5%. As mentioned previously, our revocations decreased as well. While we had a risk prediction average that ranked second nationally last year, our revocation ranking was not the same. In fact, our revocation rate ranked 53rd, not 2nd. The number of people under our supervision has more than doubled since 2000, yet we file less violation reports now than we did nine years ago.

Earlier in my testimony, I mentioned wanting to further discuss the subject of those who were released early from prison because of a crack reduction. Thus far nearly 200 people have returned home to Eastern Missouri because of this change in law, with my District again ranking in the top ten nationally. More than half of those who benefitted from this retroactive change have been home more than a year. In total, only six of those released early to Eastern Missouri by way of a crack reduction have failed supervision and returned to prison. Thus far this is a failure rate of only 3.2%.

I'm very pleased to report that other agencies throughout the country are following this community approach to helping ex-offenders with employment. Research of a nearly identical program in the District of Delaware conducted by a local university there found a 56% reduction in re-arrests when compared a similar group who was not referred to this employment program.

While the numbers discussed above speak loudly, they do not share the impact on individuals and families. People who have throughout their lives taken from the tax base are now contributing to it. Children now see their fathers leave for their jobs in work uniforms, rather than see them in a prison uniform. Our program has become so successful that we have started a home ownership program.

One of the individuals who took advantage of this program stands out as an

excellent example. This man, Walter, tells about how one of his very first memories growing up was of his mother being excited when the heroin dealer showed up to make a delivery. Walter reports how he began dealing drugs at a young age. He had repeated trips through the juvenile and state systems and institutions before finally receiving a lengthy federal prison term. Upon his release, Walter took advantage of the second chances afforded him. He received training in a local trade and became employed in that profession. His starting pay was over \$25 an hour, plus generous benefits. At the age of 32, he traveled with his family and went on the first vacation of his life. He also purchased a home for his wife, and their three children. When giving a tour of his new home, he had to ask what a dining room was because he never lived in a place that had one. Above all else, Walter gained self respect and dignity. He is now an excellent husband, father, neighbor, and citizen. Walter has fully redeemed himself and broke the generational cycle of crime.

Every day I get to work with an outstanding probation staff and community partners who help create stories like Walter's. I truly do have the best job on the planet.

Thank you again for this opportunity to appear before you today, and I look forward to answering any questions.