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Restorative Justice for Veterans:
The San Francisco Sheriff's Department's Community
of Veterans Engaged in Restoration (COVER)

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ABSTRACT

In 2008, for the first time in history, more than one in every one hundred adults in America was in jail or prison.¹ Hundreds of thousands of formerly incarcerated people reenter communities each year and, for many, the reentry process may occur multiple times in a single year.² Shockingly, more than two-thirds of released state prisoners were re-arrested and more than half were returned to prison within three years of their release.³

In recognition of this failure of corrections systems nationwide, the San Francisco Sheriff's Department (SFSD) has, for the past

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1. PUB. SAFETY PERFORMANCE PROJECT, PEW CTR. ON THE STATES, ONE IN 31: THE LONG REACH OF AMERICAN CORRECTIONS I (2009) [hereinafter PSPP].

2. See generally PATRICK A. LANGAN & DAVID J. LEVIN, U.S. DEP'T OF JUSTICE, RECIDIVISM OF PRISONERS RELEASED IN 1994, at 3 tbl.2 & fig.1 (2002) (showing various percentages of prisoners rearrested, reconvicted and returned to prison within the first year of their release).

3. LANGAN & LEVIN, *supra* note 2, at 1.

several decades, raised the standard of professional obligation by redefining and expanding its role as a law enforcement agency to include intervention and prevention programs that utilize the principles of restorative justice to focus on offender accountability, victim restoration, and community involvement.⁴

The most recent of these programs is the Community of Veterans Engaged in Restoration (COVER), which applies the principles of restorative justice to one of the fastest growing segments of the criminal justice system: prisoners with prior military service.⁵ This Article describes the development and implementation of the COVER Program and how the application of a “hybrid” approach to restorative justice can lead to a more humane, effective, and dignified judicial process to address the emerging issue of increased numbers of justice-involved veterans.

INTRODUCTION

Debates about crime and punishment often evoke dichotomies of emotion ranging from compassion to contempt and fear, from disbelief in the human spirit to a profound belief in the ability to thrive and change. These debates also extend to the questions of roles and responsibilities of corrections agencies. Traditionally, the objectives of these agencies have been to provide safety and security to both people who work in jails and prisons, and those in their custody. Primarily, the focus was on preventing escapes, suicides, assaults and minimizing illegal activities within the specific parameters of the jails, prison, the courts other institutions. However, over the past several decades the American corrections system has gone well beyond the point of “diminishing returns,”⁶ to a situation where, gradually, the crime-prevention payoff of traditional retributive justice and associated incarceration has declined.⁷

4. Sunny Schwartz, Michael Hennessey & Leslie Levitas, *Restorative Education Equals Restorative Justice: The San Francisco Sheriff's Department's Five Keys Charter School*, 3 FAM. LITERACY F. 10, 10 (2004).

5. See Todd Bowers, *The Rally Point: Prisoners of the Wars*, HYPERVOCAL.COM (Nov. 1, 2010), <http://hypervocal.com/featured-contributors/2010/the-rally-point-prisoners-of-the-wars/>.

6. PSPP, *supra* note 1, at 18.

7. *Id.*

The search for alternatives to criminal prosecution and conventional sentencing has resulted in a variety of restorative justice initiatives across the country and around the world. The San Francisco Sheriff's Department (SFSD) under the guidance of Sheriff Michael Hennessey has been recognized both nationally and internally as a leader in this restorative justice movement.⁸ The Department's mission is straightforward: "to be an effective and integral part of the civil and criminal law enforcement efforts of the State of California and the City and County of San Francisco."⁹ For over thirty years, SFSD has gone above and beyond its professional obligations in fulfilling this mission and promoting public safety. Specifically, instead of allowing prisoners to sleep, play cards and lift weights all day, SFSD has worked to reduce recidivism, violence and other crimes.¹⁰ In doing so, SFSD has developed an extensive track record of implementing effective educational and therapeutic services for high-risk populations and delivering the programs incarcerated people so desperately need.¹¹

In 2010, building on past success, SFSD turned its attention to the increasing number of military veterans within our jails. The Community of Veterans Engaged in Restoration (COVER) was designed to address the emerging issue of increased numbers of justice-involved veterans in San Francisco, California. The COVER Program offers an innovative strategy for working with this population both while incarcerated and during periods of reentry. This Article describes the evolution of the program and issues a call to action for policy-makers everywhere, to provide those who have served their country with better alternatives than languishing in a corrections institution and spiraling deeper into criminality, mental illness, and despair.

8. *Sheriff Michael Hennessey*, S.F. SHERIFF'S DEP'T, <http://www.sfsheriff.com/sheriff.htm> (last visited May 23, 2011).

9. *Mission Statement*, S.F. SHERIFF'S DEP'T, <http://www.sfsheriff.com/mission.htm> (last visited Apr. 21, 2011).

10. *See Who We Are*, S.F. SHERIFF'S DEP'T, <http://www.sfsheriff.com/whoweare.htm> (last visited Apr. 21, 2011).

11. Sunny Schwartz et al., *Restorative Justice and the Transformation of Jails: An Urban Sheriff's Case Study in Reducing Violence*, 4 POLICE PRAC. & RES. 399, 404 (2003).

EXPANDING THE ROLE OF LAW ENFORCEMENT: THE TIME IS NOW
TO COMPREHENSIVELY SERVE AND PROTECT

During 2005, the total federal, state, and local adult correctional population—incarcerated or in the community—grew by 60,800 persons to over seven million.¹² Incarcerated people are often among the most feared, vilified, and overlooked populations while they reside in jails and prisons. This stigma endures upon release and can diminish housing, employment, and social opportunities for these individuals. At the same time, ex-offenders represent vast and untapped potential human resources for our communities—as parents, family members, employees, businesspeople, neighbors, and taxpayers.

Over two decades ago, the San Francisco Sheriff's Department (SFSD) began requiring inmates to attend programs that respond to their behavioral and educational needs.¹³ The San Francisco County Jail population comprises adult men and women, 80 percent are ethnic minorities, with the majority being between the ages of 18 and 35. Over 75 percent are high school dropouts and read at levels between the fourth and sixth grades. A shocking two-thirds of county jail inmates have never been employed. Most of the incarcerated population come from single-parent families and live far below the poverty level. The typical prisoner has been involved with social services and/or law enforcement agencies since adolescence or earlier. The most commonly committed crimes include drug offenses, petty theft and domestic violence.¹⁴

Over the years, SFSD has addressed many of the psycho-social and behavioral issues that lead people into the criminal justice system. SFSD has initiated programs focusing on: deficits in education and literacy; comprehensive family services including reunification, when appropriate and expanded visitation while in custody; violence prevention; relapse prevention; and job training and

12. Lauren E. Glaze & Thomas P. Bonczar, *Probation and Parole in the United States, 2005*, U.S. BUREAU OF JUST. STAT. BULL., Nov. 2006, at 1.

13. See Schwartz et al., *supra* note 11, at 404.

14. These statistics come from internal information within the San Francisco Sheriff's Department and are on file with the Sheriff's Department.

vocational readiness,¹⁵ to name a few. These past efforts have yielded promising results.

One such success is the SISTER Program (Sisters in Sober Treatment Empowered by Recovery). SISTER began as a drug treatment program for women in the San Francisco County Jail in 1994.¹⁶ A three-year study found that participants had a 15 percent lower rate of recidivism than women in the general jail population.¹⁷ The study also found that SISTER participants who did recidivate, stayed out of jail for longer periods of time and committed less severe crimes when they re-offended.¹⁸

Turning to the population of violent offenders, SFSD's first restorative justice initiative, launched in 1997, was Resolve to Stop the Violence Project (RSVP).¹⁹ This program grew out of the recognition that violence hurts victims, communities, and offenders and creates an obligation to make things right.²⁰ In addition to centralizing victim's needs and mobilizing community involvement, a fundamental tenet of RSVP is to hold offenders accountable.²¹ RSVP has been described as employing a hybrid restorative justice approach that "melds elements of Classic [Restorative Justice], traditional criminal justice sentencing, and a substantial emphasis on rehabilitative programming."²²

An independent, quantitative evaluation of RSVP found that the average annual incidence rate for fights and other forms of in-prison violence for the program participants is essentially zero, even though they sleep in open dorms. Further, men who participated in the program for at least eight weeks had a 46 percent lower rate of re-arrest for violent crimes than those who served their time in a

15. *Jail Programs*, SAN FRANCISCO SHERIFF'S DEPARTMENT, <http://www.sfsheriff.com/jailpgms.htm> (last visited May 3, 2011).

16. See Schwartz et al., *supra* note 11, at 404.

17. Lydia Santiago et al., *Sisters in Sober Treatment Empowered in Recovery: San Francisco County Sheriff's Department Final Evaluation Report 3* (1996) (unpublished manuscript) (on file with authors).

18. *Id.* at 4.

19. See Schwartz et al., *supra* note 11, at 405.

20. *Id.*

21. *Id.* at 405-06.

22. Kate E. Bloch, *Reconceptualizing Restorative Justice*, 7 HASTINGS RACE & POVERTY L.J. 201, 211-12 (2010).

traditional jail within the first year following release. This difference increased to 83 percent for those who completed at least 16 weeks of the program.²³ In-jail violence, moreover, also drops dramatically under the impact of RSVP. The first year of the program saw only one fight among participants, compared with 297 among the general inmate population. That general population also committed 75 assaults on staff in the same period, as against none in RSVP therefore and perhaps paradoxically enhancing officer and staff safety.²⁴

Thus, RSVP has the potential to transform current practices in U.S. prisons and change beliefs about what is possible when working with prisoners. RSVP won a 2004 Innovations in American Government Award presented by the Ash Institute and the John F. Kennedy School of Government at Harvard University,²⁵ and portions of the program have been replicated nationally.²⁶

Still seeking to address the core issues which lead people into the criminal justice system, in 2003, SFSD developed a first-in-the-nation jail-based and post-release charter school to expand on previous basic educational programs.²⁷ The San Francisco Sheriff's Department's Five Keys Charter School (FKCS) integrates existing violence prevention and relapse prevention curricula with parenting classes and vocational training into the academic classes required by the State of California to achieve a High School diploma.²⁸ Principles of restorative justice are central to virtually every class taught. FKCS

23. CHAD MOUTRAY, OFFICE OF THE ADVOCACY OF U.S. SMALL BUS. ADMIN., THE SMALL BUSINESS ECONOMY FOR DATA YEAR 2006: A REPORT TO THE PRESIDENT 173 (2007), available at http://archive.sba.gov/advo/research/sb_econ2007.pdf.

24. Carl Fillichio, *Violence, Victims, and Communities: A Story of Restoration*, THE PUB. MANAGER, Winter 2004–05, at 45, 47; Sunny Schwartz, Michael Hennessey & Leslie Levitas, *Restorative Justice and the Transformation of Jails: An Urban Sheriff's Case Study in Reducing Violence*, 4 POLICE PRAC. & RES. 399, 408 (2003).

25. *Resolve to Stop the Violence Program*, HARVARD KENNEDY SCH., ASH CTR. FOR DEMOCRATIC GOVERNANCE AND INNOVATION, <http://www.innovations.harvard.edu/awards.html?id=3632> (last visited May 3, 2011).

26. See, e.g., Kate Stone Lombardi, *Program Aims to Curb Violence by Inmates*, N.Y. TIMES, July 6, 2008, <http://www.nytimes.com/2008/07/06/nyregion/nyregionspecial2/06prisonwe.html>.

27. See *History*, FIVEKEYSCHARTER.ORG, http://fivekeyscharter.org/index.php?option=com_content&view=article&id=55&Itemid=92 (last visited May 3, 2011).

28. *Mission: 2009-2013*, FIVEKEYSCHARTER.ORG, http://fivekeyscharter.org/index.php?option=com_content&view=article&id=56&Itemid=90 (last visited May 3, 2011).

students were pre-tested in English and math at time of enrollment and were then post-tested five weeks later. On average, students enrolled in English or math increased three grade levels in reading and 2.3 levels in math.²⁹

As an agency, SFSD has consistently sought to respond to emerging trends in the needs of incarcerated people. A logical extension of the Department's efforts is the newly developed Community of Veterans Engaged in Restoration ("COVER").³⁰ In 2004 veterans accounted for nine of every hundred individuals in U.S. jails and prisons.³¹ The COVER program provides in-custody and reentry services to the underserved population of incarcerated veterans, their families, victims and communities.³² It also addresses a gap in justice-based models for coordinating existing resources into a unified system of care for military veterans.

ADDRESSING THE NEED FOR VETERAN SPECIFIC SERVICES: THE COVER PROGRAM

Veterans represent a rapidly growing segment of the jail population whose characteristics mirror those of the general jail population and include histories of substance abuse, inconsistent work histories and challenges related to maintaining family relationships. Like most prisoners, they receive few services while incarcerated to address the myriad of health, mental health, and psychosocial issues that contribute to their incarceration and pose challenges upon release. The military discharge status of most justice-involved vets—less than honorable—makes them ineligible for many of the benefits and services offered by the Veterans Administration (VA).

The National Service on Drug Use and Health (NSDUH) reports from both 2004 and 2005 note that veterans have higher rates of co-occurring serious mental illness and substance abuse disorders than

29. FIVE KEYS CHARTER SCHOOL STATISTICS 2010 (2010) (on file with the San Francisco Sheriff's Department).

30. Bowers, *supra* note 5.

31. MARGARET E. NOONAN & CHRISTOPHER J. MUMOLA, U.S. DEP'T OF JUSTICE, VETERANS IN STATE AND FEDERAL PRISON, 2004, at 1 (2007).

32. Bowers, *supra* note 5.

non-veterans. A 2000 Bureau of Justice Statistics report found that 81 percent of all justice-involved veterans had a substance abuse problem prior to incarceration. Thirty-five percent were identified as suffering from alcohol dependency, 23 percent were homeless at some point in the prior year and 25 percent were identified as mentally ill.

According to the U.S. Department of Justice Bureau of Justice Statistics, in 2004 more than half (57 percent) of veterans in California prisons were serving time for violent offenses.³³ Yet an audit report concerning the California State Department of Veterans Affairs' efforts to address the needs of California veterans points out the paucity of state programs and collaborations.³⁴ California's Deputy Secretary of Veterans Services explained that the former Secretary of that Department failed to make changing or increasing services for homeless veterans an area of emphasis in his guidance to Veterans Services.³⁵ The report, furthermore, makes no specific reference to incarcerated veterans despite the prevalence of homelessness, substance abuse, and mental illness among veterans, which put them at risk for contact with the criminal justice system.

There is a clear need for treatment resources for veterans who are reentering the community following periods of incarceration. In San Francisco, more than 70 percent of homeless and at-risk veterans have substance abuse issues; close to 60 percent suffer from mental health disorders, including post-traumatic stress disorder (PTSD); about half are dual diagnosed; a large number face chronic health problems such as Hepatitis C, HIV, diabetes, and hypertension.³⁶

The already overburdened criminal justice, mental health and social service systems do not have the capacity to meet the complex needs of the increasing number of veterans housed in or exiting the county jail, especially with increasing numbers of veterans returning from deployment. Long waiting lists exist for substance abuse

33. NOONAN & MUMOLA, *supra* note 31, at 1.

34. ELAINE M. HOWLE, CAL. STATE AUDITOR, CAL. STATE AUDITOR REPORT 2009-108 *passim* (2009).

35. *Id.* at 23.

36. S.F. CITY & CNTY., CONSOLIDATED PLAN, 2005-2010, at 68 (2010).

treatment, counseling related to PTSD, and support services to family members of veterans.

In developing COVER, SFSD leadership recognized that, as a society, we train military personnel to fight and even kill, but we do not provide the much-needed support for them to return home in a safe and healthy way, which will enable them to thrive in civilian life. The very conditioning that enables them to serve and protect our country often results in difficulty re-socializing upon return from deployment. Drug use, domestic violence, and mental health issues become the pathways that lead many veterans into the criminal justice system. COVER provides these individuals with in-jail and post-release exposure to the concepts of restorative justice as a path toward healing themselves, their victims and their communities.³⁷

Past experience with successful inmate education and treatment programs, along with findings from scholarly studies,³⁸ have led the Department to believe that the most effective interventions are those which begin in custody and continue in the community. We utilized these lessons in designing COVER and also looked to lessons learned in other jurisdictions. A study of homeless and incarcerated veterans in Los Angeles County Jail found that specialized outreach services appear to be modestly effective in linking incarcerated veterans with VA health care services. The study notes that the rate of substance abuse tends to decrease with incarceration, offering a window of opportunity for linking inmates with community rehab services.³⁹ This same study found 73 percent of veteran inmates had been unemployed, 35 percent had some psychiatric illness, 62 percent had a drug abuse problem, and 37 percent had experienced homelessness for periods of more than six months.⁴⁰

The primary intervention point for COVER is the period of incarceration.⁴¹ Rather than segregating violent offenders while in

37. Bowers, *supra* note 5.

38. See, e.g., James McGuire, Robert A. Rosenheck & Wesley J. Kaspro, *Health Status, Service Use, and Costs Among Veterans Receiving Outreach Services in Jail or Community Settings*, 54 PSYCHIATRIC SERVS. 201, 201 (2003).

39. *Id.*

40. *Id.* at 204.

41. Further information about the COVER program is available on file with the San Francisco Sheriff's Department.

custody, as is customary, veterans with histories of violence and substance abuse are housed together in the COVER dormitory, a modified therapeutic community where they take part in a curriculum designed to change attitudes, beliefs and behaviors.

Residents of the COVER dorm are veterans from all eras, from Vietnam to the post-9/11 conflicts. The proven peer-based manalive batterer intervention, survivor impact, and community restoration components of RSVP⁴² are modified for the veteran population. Given the high incidence of PTSD among this group, group and individual counseling are proposed additions to the existing menu of services. Upon release, participants receive referrals to post-release partner agencies for educational, vocational, legal and therapeutic services.

COVER utilizes a theory of change that encompasses four stages: (1) recognition that there is a problem, (2) taking in and processing knowledge about the problem, (3) demonstrating changes in attitudes and motivation, and (4) changing behavior. The program combines case management with a five-day per week structured program rooted in the classic restorative justice model of offender accountability, victim restoration, and community restoration. Accordingly, there are three components to COVER:

Offender Component: Veterans participate in an in-jail curriculum of male-role-re-education and accountability which supports changing beliefs and attitudes that fuel violence and other self-destructive behaviors. The program addresses the underlying issues that lead to incarceration for veterans, including domestic violence, substance abuse, PTSD, lack of employment, and challenges of reintegration into the community following periods in the military or combat.⁴³

Family/Victim Restoration: Family members and victims of COVER participants are offered case management and services, including family mediation, when appropriate, to rebuild their lives. These individuals are contacted by staff members of SFSD's Survivor Restoration Program. They are

42. Schwartz et al., *supra* note 11, at 405–06.

43. McGuire, Rosenheck & Kaspro, *supra* note 38, at 202.

given opportunities to gain the tools necessary to restore themselves and to take concrete steps to bring self-determination and healing to their lives.

Community Restoration/Post-Release/Reentry: This component provides ongoing “safety nets” and opportunities for participants to engage in educational, vocational, and therapeutic services, as well as restoration within their own families and communities. Typically, upon reentry, offenders are stigmatized, at risk for relapse into criminal behaviors, and isolated from community life.⁴⁴ Family members and children suffer, caught in a cycle of inter-generational crime and violence. In the spirit of restorative justice, COVER staff members encourage participants to reach out to family members—“family” being defined broadly to include a wide range of community-based support networks.

The program is a work in progress. Applying restorative justice principles to a program for veterans requires some modifications including a hybrid approach similar to the one exemplified by RSVP. “The Hybrid [Restorative Justice] paradigm, which RSVP exemplifies, shares a number of fundamental principles with the classic approach.”⁴⁵ Like RSVP, COVER incorporates services to family members who may also be victims of violence. Victim impact presentations are included in the program’s curriculum. “In contrast to a common archetype of a Classic RJ model, however, the victims who speak, speak to groups of offenders and are unlikely to be the specific victim against whom the particular offender caused harm.”⁴⁶ Nevertheless, the goal of the presentations is the same: for the listeners to build empathy and recognition of the harm caused by crime and violence.

SFSD staff has assembled a cross-disciplinary team to assess existing resources and identify gaps in mental health and related services which are available to veterans both while incarcerated and during periods of reentry. Numerous local agencies lend specific

44. Schwartz, Hennessey & Levitas, *supra* note 4, at 10.

45. Bloch, *supra* note 22, at 213.

46. *Id.*

expertise and invaluable in-kind services to the program. Members of this network of partner agencies contribute resources including staff time, office space, utilities, equipment, and maintenance and general operating expenses. SFSD devotes sworn and civilian staff to oversee operations and programmatic content, along with fiscal and administrative personnel and legal staff who assist incarcerated veterans in removing legal barriers to reentry.

SFSD has long recognized that collaborating with local partners yields results that are far greater than the sum of the parts. By involving a community of stakeholders, we begin to address the isolation and polarization of those affected by crime, including offenders, victims, community members, and law enforcement officials. Accordingly, we engage a broad spectrum of agencies and organizations in the development and implementation of COVER. A partial list of our collaborators and their contributions, many of which are in-kind, includes:

- San Francisco Department of Veteran's Affairs and the San Francisco Vet Center provide substance abuse services, documentation of veteran status, assistance in applying for benefits, and in upgrading discharge status to expand eligibility for benefits.
- Swords to Plowshares contributes case management, life skills classes, vocational readiness, assistance with reinstatement of veterans benefits, reentry support, and follow-up services.
- The San Francisco Domestic Violence Consortium collaborates with SFSD's Survivor Restoration Program in providing referrals and support to family members. The San Francisco Department of Public Health Community Behavioral Health Services (CBHS) and Jail Psychiatric Services (JPS), in partnership with Haight Ashbury Free Clinics-Walden House, offer mental health assessments and intervention, evidence-based treatment modalities, re-entry planning, coordination of care between the jail and the community, and supervision for clinical interns. (This

component is supported by a grant from the U.S. Bureau of Justice Assistance).

- Pacific Graduate School of Psychology, Forensic Psychology Program at Palo Alto University in collaboration with the San Francisco Department of Health supports the program with cross training for deputized and program staff, and internship that includes group and individual counseling for PTSD.
- Community Works West facilitates Manalive batterer intervention groups, case management for victims and family members, and Parenting Inside Out classes.
- San Francisco Sheriff's Department's Five Keys Charter School offers a full academic curriculum leading to a high school diploma. San Francisco Sheriff's Department's Prisoner Legal Services provides support in resolving outstanding civil matters and removing barriers to reentry.

By maximizing the leveraging opportunities available through these partnerships, COVER gets the most "bang for its buck." The program takes significant steps to address the emerging issue of increased numbers of justice-involved veterans with a hybrid approach to restorative justice. While COVER is still in its infancy, we are confident that, over time, the program will yield similar results to previous SFSD programs in terms of lowered recidivism among participants, decreased violence in the community, and a sense of restoration for all involved.

A GOLDEN OPPORTUNITY TO CHANGE THE CLIMATE OF AND APPROACH TO INCARCERATION

While offenders are in custody, we have an opportunity to seize the moment by providing comprehensive programs that address the underlying causes of crime and violence. In fact, corrections-based education and treatment have proven to be strikingly effective in improving inmates' educational and job skill levels as well as in

reducing recidivism rates.⁴⁷ They have also provided dignity to ex-offenders and have offered opportunities for restoration as expressed by participants of SFSD programs including:

Scott S., an ex-offender who participated in RSVP and is now a full-time violence prevention facilitator and mentor to others. He provided the following comments about the program and its effect on his life: "It's very fulfilling for me to have ended up where I am now versus where I was before going through the program. It's pretty powerful for someone to go through the program, become an advocate of the program, and then be in a position to help others do the same."

Martha R., an ex-gang member who completed in-custody and post-release treatment. She has been working at a non-profit organization for the past eleven months. She has also successfully completed a fifteen-year parole. She says of the experience, "It's given me a sense of stability. Now I have a structure in my life where before I didn't care what I did every day. I also enjoy my job. It gives me encouragement to keep going forward and not go back to my old lifestyle."

In addition to the many human success stories, there is a cost savings benefit from programs such as COVER. A UCLA evaluation of California's Substance Abuse and Crime Prevention Act (SACPA) estimates that treatment in lieu of incarceration saves approximately \$2.50 for every \$1 spent.⁴⁸ For program completers, savings increase to \$4 per \$1 spent.⁴⁹ Resources clearly need to be re-directed. And we need to develop the safety nets of re-entry services to ensure successful transition from incarceration to community.

As stated previously, the role of the urban Sheriff's Department has been historically limited to include responsibility for operations of jails and a variety of law enforcement functions.⁵⁰ "While most sheriffs' departments have . . . been arguably limited in their ability

47. See, e.g., Schwartz et al., *supra* note 11, at 408–09.

48. DOUGLAS LONGSHORE ET AL., EVALUATION OF THE SUBSTANCE ABUSE AND CRIME PREVENTION ACT (2006).

49. *Id.*

50. Schwartz et al., *supra* note 11, at 399.

to innovate in the policing area . . . they also have not been expected to develop creative correctional responses.”⁵¹ The decision of San Francisco’s Sheriff Hennessey to develop a program for incarcerated veterans has grown out of a sense of urgency for transformation and a vacuum of law enforcement leadership in this area.

Former San Francisco Undersheriff Chris Cunnie, himself a Veteran and leader in both law enforcement and the treatment community, took a hands on approach by leading in the development of COVER. He attended planning meetings and insisted on all staff discussing differences and concerns in an honest, open, and respectful manner. He spoke with staff about the men and women in our charge with dignity and respect, recognizing their ability to change.

As a result of the current economic crisis, many corrections departments attempt to save money by limiting or ending inmate education programs or treating inmates inhumanely, for example by proposing that teachers conduct lessons through closed cell doors.⁵² Rather than slide backwards, we urge each agency or jurisdiction to redirect their dollars toward economic and socially progressive solutions. Jail, prison, court, parole, and probation systems across the country need to start similar programs with an eye toward long range solutions that will benefit this generation and those to come. These efforts will enable program participants to learn to work and negotiate as free members of the community. They must start with committed leadership and a curriculum that has a goal of restoration for all involved.

NEW DIRECTIONS: A CALL TO ACTION FOR A NEW DEAL

The 2.3 million Americans now behind bars added to the 5 million plus on parole and probation means one in every thirty-one adults in the United States are under correctional control.⁵³ This is the highest per capita incarceration rate in the world and a fact that significantly impacts state budgets without delivering a clear return on public

51. *Id.* at 400–01.

52. Schwartz, Hennessey & Levitas, *supra* note 4, at 14.

53. PSPP, *supra* note 1, at 1.

safety.⁵⁴ Recidivism rates remain high, despite the steady increase in our state budgets for corrections, which have been climbing for years now.⁵⁵ Due to insufficient resources for reentry planning, millions of men and women return to their communities each year profoundly unprepared to negotiate legally in the free society.

Integration or reintegration is best achieved by programs that teach individuals to become self-sufficient and help them to acquire the necessary and appropriate skills. Notwithstanding the proven success of these programs, their sustainability is often at the mercy of bureaucrats, policy makers, and government officials, who either have yet to realize that these services are essential to ensure the health of the greater community or who fear that such initiatives will cause them to be labeled “soft on crime.”

Our long term New Deal must include a dramatically scaled-down use of incarceration as a catch-all response to crime, while creating effective alternatives. Utilizing best practices and evidence-based methods can provide responsive programs in a safe, secure manner, thereby alleviating prison overcrowding while saving the public coffers from expenditures that result in the revolving door of continued failure. With the resulting savings from a decrease in prison and jail construction and operations, the focus must be to re-invest in education, health care, economic development, and the like in an equitable manner—something that has not been done in the past.

The money adds up, the policy adds up, but what we lack is the political will and leadership to shift away from our financially disastrous “get tough on crime” policies to policies that focus on crime prevention and re-education. We can choose to make our jails and prisons work for us and to be engines of accountability, or we can stay on the road we are on, allowing them to be engines of despair, failure, and more crime.

The time has come for a new, nationwide orientation toward prevention and early intervention. As Jim Webb, the U.S. Senator from Virginia, stated, “It is in the self-interest of every American that we dedicate time and energy to truly evaluate and reform our

54. *Id.* at 2.

55. *Id.* at 17–21.

criminal justice system.” We need more restorative justice initiatives, modified for special populations such as veterans, in order to offer a realistic approach to stop the violence and crime that plague our families and communities. If across the country, every jail and prison challenged criminals to stop their violence, to stop using drugs, to get a job, to become responsible citizens, to become “taxpayers instead of tax drainers,” then we wouldn’t just change the prisons and jails; we would remake the face of American society and enhance our civilization.