

Second chance act of 2007



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The Second Chance Act of 2007 is a piece of federal legislation that was proposed in order to successfully rein criminal offenders into the community. Knowing that the transition from prison life back to community life is a difficult one for some people, the legislation sought to expand assistance to offenders being released back into the public. Namely, the bill reformed the Omnibus Crime Control and Safe Streets Act of 1968, which established the Law Enforcement Assistance Administration. Among the programs included in the Second Chance Act are reentry projects that offer services to former prisoners and their families in order to ensure a successful transition to not only life in the community, but also in the family. The legislation was passed under pressure from the criminal justice system, which releases nearly 650,000 men and women each year from state and federal prisons. The United States Congress deemed it necessary for the federal government to provide protections and services to these individuals such that the costs of providing such public interest services outweigh the costs of unsuccessful transitions back into society. The legislation, until repealed or changed, will provide useful for former members of prison populations attempting to make a successful reentry into their respective communities. The social justice aspect of the legislation revolves around the concept of disadvantage for one part of the population: namely, recently released prisoners. In the past and the present, when individuals are released from prison or jail, they are at a distinct disadvantage. Because it is society that puts these individuals at a disadvantage, it is perceived social justice responsibility of society to give them that advantage in proportion to what was lost. In other words, if a prisoner loses the chance to become a carpenter, then the prisoner ought to receive "Skills Development" training, which is one of the provisions

included in the legislation (GovTrack, 2007). Particularly with federal prisons, the responsibility to reintegrate prisoners falls on the shoulders of the federal government. In fact, this view of the federal government's responsibility was shared by both parties when the bill was originally introduced in the House of Representatives by sponsors from both parties. As Congresswoman Stephanie Tubbs Jones wrote in response to its passing, "Prisoner reentry is not a Democratic or Republican issue. It is a common sense issue" (Jones, 2007). The common sense that Jones refers to how the legislation addresses the social problems of criminal recidivism both on individuals and on families. According to Tubbs, approximately two-thirds of prisoners released from the criminal justice system will be arrested for a felony or serious misdemeanor within three years of their release (Jones, 2007). This shocking statistic means that for most families with a criminal offender father or mother, their presence is transient and subject to immediate elimination. The hope of the legislation is that by treating both the individual and the family, the recidivism rate of two-thirds for prisoners can be reduced by providing them access to a productive, healthy lifestyle. This is expected to keep families from breaking up due to the financial difficulties associated with incarceration, which puts the family at a risk of domestic abuse and unemployment. The issue that the Second Chance Act truly attempts to address is the struggle that offenders tend to have when they are released from prison. In addition to the nearly 650, 000 offenders released each year from prisons, there are between 10 and 12 million others released from local jails. Individuals who served lesser sentences in local jails, like their counterparts from prisons, suffer from mental health problems, a lack of job skills in a competitive labor market, substance abuse

problems, and what essentially amounts to a “blackball” on their record: a history of felony crime. The Second Chance Act is an appropriation of nearly \$400 million dollars from the federal government to assist criminals with career planning, employment services, substance abuse treatment, housing, mentoring, and family treatment (GovTrack, 2007). Arguably, no previous legislation in American history had set up programs specifically designed to help criminal offenders reintegrate with society. It is a relatively new problem, given the increasing size of the American criminal justice system, that so many individuals are being released from prisons and jails to find difficulty with reentry. As mentioned previously, the Second Chance Act is said to modify certain aspects of the Omnibus Crime Control and Safe Streets Act of 1968, which served primarily to set objective rules for obtaining wiretap orders and to restrict the defensive power of the Miranda warning. However, the Omnibus Act also provided some grant funding to the Office of Justice Programs for criminology and criminal justice research, which, reportedly, was redirected to reentry programs for released criminals (Savelsberg, Cleveland, & King, 2004). Instead of going directly to federal programs, the money is given to states and some is earmarked especially for law enforcement programs, like those now handled under the Second Chance Act of 2007. The population affected by the legislation is not limited to the criminal offenders and their families who directly receive the benefit of the services provided under the Act (BJA, 2008). For example, society as a whole benefits when individuals who have demonstrated a tendency to commit crimes are given incentive not to repeat. That is, if an individual went to jail for stealing because he could not provide for his family through legitimate means, then a career planning service provided under the Second

Chance Act is a valuable program to the extent that, if successful, it will prevent that person from stealing. Likewise, the property owner who otherwise would have been stolen from benefits because he does not suffer from a loss of property due to theft. In the end, as the theory goes, the United States population as a whole benefits. Regardless of the theory, however, whether this is true in the real world is a matter for empirical analysis of the policy's effectiveness over the long term. Clearly, the intended result of this policy is that criminal offenders released from prisons or jails will be prevented from reoffending. One area of particular interest is the family-based treatment offered under the Act. Like the transition from being a soldier to being a private citizen, the transition from being a prisoner to being a private citizen presents two different worlds that are incompatible in many ways. Often, one is so used to the violence and fight-or-flight lifestyle of prison that one can behave erratically, suffer mental problems, and even commit crimes against one's family (BJA, 2008). Protecting children and women is one of the top priorities of any reentry program. Thus, not only does the former offender benefit by receiving help with his or her personal problems, but the family is protected hopefully from violence. In turn, by helping families and preventing violence, the community benefits. As a collection of individuals and families, the community always suffers when family violence occurs; accordingly, it is in the best interest of the community to protect against such violence and to allocate resources toward its prevention. The only unintended consequence of the program is that it fails to accomplish its goal, which creates a misallocation of resources and the potential for unsuccessful transitions back into community life for the former offenders. One potential pitfall for the Second Chance Act is that it is

too broad. Costing almost \$400 million dollars, it is a substantial program that offers assistance not only to the individual but also to his family and government agencies (GovTrack, 2007). There is a possibility that instead of treating the root of the problem of recidivism, the legislation is a blanket that the Congress spreads over the effects to hope it will go away. Perhaps, however, that instead of doing one thing right, the legislation makes a small positive effect on many areas, but not an overall large enough effect to make a significant impact on recidivism in the future. For instance, if criminal offenders do not respond well to the employment services and housing programs, there will be a general distrust of the effectiveness of the family-based treatment programs. Since the Second Chance Act first attempts to solve the individual offender's problems before attempting to cure potential family problems, it all hinges on the willingness of former prisoners to participate in the services being offered. However, there is no guarantee that individuals will trust such services, knowing that the same criminal justice system that incarcerated them is behind the programs. Since the Second Chance Act was relatively unprecedented in United States history, there is a very real possibility that it fails. Typically, when programs created by legislation fail, they are repealed or modified by subsequent legislation. In the case of the Second Chance Act, if it does not work, it is very likely that the program will be changed significantly based on observations about what did not work well in practice. Certainly, the law is a very ambitious one; but it is not expected to completely cure recidivism. In essence, it is a blanket program that attempts to solve a myriad of problems faced by released criminal offenders. In some cases, the programs will not work, which is inevitable. However, other programs in the Act might be tremendously

effective, which can provide the basic framework and motivation for subsequent legislation. Either way, the Second Chance Act will make a positive impact on the social welfare of the nation by starting at its most fundamental level: the level of the individual and his family. Starting at the foundation may help the Act ultimately succeed in accomplishing its goal of reducing prison populations and jail populations across the country. Realizing the importance of reducing the numbers of people incarcerated in the criminal justice system, the United States Congress passed the Second Chance Act of 2007, which provides programs to prevent recidivism in criminal offenders. Ultimately, whether or not this program is successful hinges on the response it receives from the offenders themselves.

Regardless, it will continue to provide the basis for an intelligent response to crime. Bibliography 110th Congress. (2009, April 9). Public Law 110-199. 122 Statute 657. Washington D. C.: United States Congress. BJA. (2008). Second Chance Act of 2007: About the Act. Retrieved April 20, 2011, from Bureau of Justice Assistance: <http://www.ojp.usdoj.gov/BJA/grant/SecondChanceAbout.html>

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