

DRAFT
Putting the Pieces Back Together:
Overcoming Fragmentation to Prevent Post-Incarceration Homelessness

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Introduction

Over the past decade, advocates and service providers have been witnessing a new crisis emerging within the enduring problem of homelessness: rising rates of homelessness among people leaving prisons and jails. The growing crisis became first evident through the reports of shelter operators and other homeless housing providers who have been seeing the number of people with very recent experiences in correctional settings rise within their client compositions. Some providers of homeless shelters have anecdotally reported rates of formerly incarcerated people as high as 70 percent, while a national survey of homeless providers conducted as far back as 1996 found that “[a]ltogether, 54 percent [of homeless clients] have some experience of incarceration.”¹ Such mounting evidence has led many to conclude that post-incarceration homelessness is a new and significant crisis within the ever-persistent and constantly evolving “emergency” of homelessness.

Yet, at the same time, as many experts in the field of homelessness note, criminal justice involvement among homeless persons is hardly new: jails and detention facilities have historically served as de facto institutions for the homeless, who were picked up either for violating vagrancy laws or as a benevolent means of quartering.² Even today, for many homeless people, jails fit within the “patchwork of institutional resources...from which a sort of institutional livelihood could be fashioned.”³ What, then, is new or distinct at all about the number of people entering shelters after leaving correctional institutions? And what constitutes viewing this phenomenon as a crisis?

One thing is certain: the past decade has seen tremendous growth in the sheer number of people who are homeless who have very recent experiences of incarceration. In New York City, for instance, recent analysis shows that at least 30 percent (20,712) of the people who entered the City shelter system between 1999-2002 are persons who have at least one recent jail admission prior to their entry.⁴ Another new feature is the rate of people leaving state prisons, as opposed to city jails, who are entering the shelter system. The 1996 national survey of homelessness identified this growing trend. Comparing currently homeless with formerly homeless persons who were no longer homeless, the survey found nearly equal rates of jail involvement among currently and formerly homeless people, but higher rates of state and federal prison involvement among the currently homeless (18 versus 9 percent).⁵ Furthermore, studies focusing on prisoners and their re-entry to the community, mostly by students of public safety and corrections, are highlighting the degree to which homelessness is a growing concern. The most recent

¹ Interview with Isabel McDevitt, The Doe Fund, March 19, 2004. “Homelessness: Programs and the People They Serve.” Report of the Interagency Council on the Homeless. 1996.

<http://www.huduser.org/publications/homeless/homelessness/contents.html>

² Kim Hopper. *Reckoning with Homelessness*. New York: Cornell University Press. 2003., 31.

³ *Ibid.*, 185.

⁴ “Home Page,” Newsletter of the New York City Department of Homeless Services. January/February 2004.

⁵ “Homelessness: Programs and the People They Serve.”

study of prisoner re-entry noted that in California, “at any given time 10 percent of the state’s parolees are homeless” and that “in major urban areas such as San Francisco and Los Angeles...as many as 30 to 50 percent of parolees are estimated to be homeless.”⁶ Furthermore, a forthcoming study found that 11.9 percent of persons released from New York State prisons to New York City experienced a shelter stay within two years of their release.⁷

These alarming figures, coupled with growing rates of homelessness in general, suggests that correctional facilities are no longer simply an expected stop along the cycle of institutionalization involvement widely experienced by most homeless people, but indeed have a causal role in homelessness as well. Certainly the rising number of people leaving state and federal prisons who become homeless suggests that bouts of correctional involvement are no longer the result of vagrancy violations or the benevolent sheltering function of local jails, but involves far more serious levels of criminal justice involvement. Added to this fact is the growing concern within the criminal justice sector itself on the rising rates of homelessness. No longer simply a problem raised and discussed among shelter providers and advocates for the homeless, post-incarceration homelessness has captured the unlikely attention of corrections, criminal justice officials, and community supervision personnel alike. Their concern stems not just from the growing housing needs among people leaving their facilities—the lack of housing has to a more or lesser degree been a problem for people leaving prisons for many years—but is also about the growing sense among discharge planners and parole officers that homelessness experienced by their clients involves far more complex issues: serious mental illness, high rates of substance abuse, chronic and co-occurring health challenges like AIDS, hepatitis and tuberculosis, etc. Coupled with the recent and often traumatic experience of incarceration and the vast geographical and institutional distance often separating the prison from potential housing, the homelessness experienced by people leaving prisons and jails seems not a simple matter of the lack of housing, but in fact, a new kind of crisis altogether.

Recent attempts to unpack of the causes of this crisis has led to the identification of numerous barriers that prevent people leaving incarceration from obtaining or securing housing. These barriers typically fall under three types: a) those that identify individual characteristics or challenges limiting housing stability, such as physical or mental disabilities, lack of education or employment skills, or disrupted or unstable family situations; b) those that point out the limits of discharge planning and prison aftercare assistance; or c) those that cite statutes or policies restricting or limiting otherwise viable

⁶ Jeremy Travis, Amy Solomon, and Michelle Waul. “From Prison to Home – Dimensions and Consequences of Prisoner Re-entry.” June 2001., 36.

⁷ Stephen Metraux and Dennis P. Culhane. “Homeless Shelter Use and Reincarceration Following Prison Release,” manuscript of forthcoming paper. March 2003.

housing options.⁸ These formulations draw attention to not only the growing number and complexity of “special needs” among formerly incarcerated persons, but also the role that public agencies, lawmakers and bureaucracies have played in frustrating the re-housing process. Furthermore, embedded in the last set of formulations is the creeping notion that somehow public systems—those that govern corrections, social services and housing—have made some critical miscalculations. For how could policies and statutes have been made that are so easily identifiable as contributing to homelessness? Surely these policies must have been the result of oversight or error. In other words, what the ‘barriers’ approach leads us to is an understanding of post-incarceration homelessness as a problem of institutional failure.

This paper is an attempt to redirect the growing dialogue around homelessness among formerly incarcerated people towards a “systems” approach to the problem—that is, towards viewing it as a problem of institutional failure. Such a view calls for a deeper understanding of the root causes of homelessness among formerly incarcerated people, thus, identifying areas for policy and systems reform. My argument is that homelessness among formerly incarcerated persons, as a recent manifestation of homelessness in general, stems from recent choices and practices within governance and institutional policy, choices and practices that can indeed be reformed. More specifically, ‘institutional failure’ refers to the growing fragmentation of government with respect to its role in responding to social needs and conditions. Such fragmentation has not only contributed to rising rates of homelessness among people leaving jails and prisons, but indeed continues to frustrate the creation of effective programmatic solutions to this problem. At the same time, the growing movement towards fragmented public systems has permitted tremendous experimentation within the non-profit or independent sector, resulting in promising programmatic solutions. Nevertheless, without a concerted effort to reform and de-fragment the structure and practice of government and social policy, such solutions remain limited in their reach.

In this paper, I will first discuss the problem of post-incarceration homelessness as a problem of fragmentation in public systems, stemming from isolated policymaking in various sectors and over-specialization within social service systems. Homelessness, I argue, emerges as a sum result of this fragmentation across systems, as a ‘default’ category for people who fall through the safety net of public systems. Then, I will explore several strategies for overcoming system fragmentation and integrating systems to prevent homelessness among people leaving prisons and jails. I borrow these strategies—frame reflection, transformative learning, and boundary spanning—from the growing body of literature around collaborative planning and policymaking processes. Finally, I will discuss how these strategies emerged within a recent collaboration between the New York City Departments of Correction and

⁸ Nino Rodriguez and Brenner Brown, “Preventing Homelessness among People Leaving Prison.” December 2003. Caterina Gouvis Roman, Jeremy Travis, and Lisa Feldman. “Taking Stock: Housing, Homelessness and Prisoner Re-entry.” Draft report. October 2003.

Homeless Services, presenting this case study in light of its promise as a model for engaging in systems reform and integration.

Fences, Silos, and Isolationism: Post-Incarceration Homelessness as a Problem of Fragmentation

Advocates and providers concerned about post-incarceration homelessness are joining with students and practitioners of recent American social policy who increasingly point to the growing challenges associated with developing effective responses to social problems. These challenges, they claim, stem not only from the real or perceived sense of the increasing complexity of social needs, but also from the growing difficulty involved in the creation and implementation of effective social programs. Providers of social programs and services express frustration with the ever-increasing multiplicity and incompatibility of bureaucratic agency subdivisions, program expectations and objectives, and funding streams. As one outspoken critic of American social policy has written, “Ask people who have tried putting together a comprehensive community-based intervention about their biggest impediment. The answer will be categorical funding... Ask people who believe in intervening early to prevent risks from turning into intractable problems why there are so few preventive interventions. The answer will be categorical funding... Ask families who have tried to get help from prevailing systems about the biggest impediment they have faced. The answer will be fragmented programs.”⁹ Categorical funding and fragmented programs it seems is the hallmark of contemporary American social policy, and the bane of policy reform advocates and social services providers. Decrying the “fences” that public systems put around their resources to prevent their flexible use, Lisbeth Schorr places the blame of this service-level fragmentation with the organization and practices of governments and bureaucracies: “The fragmentation of services caused by bureaucratic specialization and categorization is probably the single most obvious obstacle to delivering effective services and supports for families most in need of outside help.”¹⁰ A more popular formulation of this specialization and fragmentation compares bureaucratic systems to ‘silos,’ illustrating both the separation of and impermeability between self-governing and self-contained units. Whatever the metaphor or term used, consensus is building that public systems are indeed highly fragmented, and that such fragmentation has led to their dysfunction.

It is not difficult to see how the growing rates of homelessness among persons leaving incarceration is in fact a result of this increasing fragmentation within government and its various systems. Viewing it as such places the various “barriers” to housing faced by people leaving incarceration into context—that is, as the result of both the increasing isolation and autonomy of the criminal justice system as a separate sphere of governance, as well as the overspecialization of social

⁹ Lisbeth B. Schorr. *Common Purpose: Strengthening Families and Neighborhoods to Rebuild America*. New York: Doublebay. 1997., 80.

¹⁰ *Ibid.*, 87.

service systems. Taken together, these barriers bespeak a growing retraction on the part of both the criminal justice system and the affordable housing and social services sectors from assuming responsibility over providing for the needs of individuals in the moment of their discharge from correctional custody into “normal” social life. Through this retraction, people leaving incarceration, defined as a special category by their common experience of community re-entry from prison or jail, have become akin to refugees, exiled and removed from the protection of public systems of care.

To say this is not to suggest any intentionality on any specific agencies or policymakers to bring about homelessness among people leaving prison or jail (i.e. a conspiracy on the part of government to further marginalize an already disenfranchised set of people), but quite the contrary. Instead, as this paper attempts to show, the problem more likely arose precisely because those agencies and policymakers pursued policies without regard to any system-wide effects or externalities that might result. Such kind of policymaking that lacks communication with other systems, or consideration for the long-term or external effects on those systems is what I term ‘policy isolationism.’ The following sections describe how policy isolationism has been practiced in three sectors or public systems, leading to the creation of fragmented system that results in post-incarceration homelessness.

A. Fragmentation as Policy Isolationism in the Criminal Justice System

Isolationist policymaking was nowhere more evident than in the past three decades of criminal justice and law enforcement policy. Beginning in the early 1970s and continuing throughout the 1990s, policy and lawmakers at all levels of government across the country adopted policies and enacted legislation that reflected strict attitudes towards crime. Most notable among these was the widespread adoption of tougher federal and state sentencing policies, along with a number of sentencing reforms and guidelines that in effect limited the discretion of judges and other authorities in determining appropriate sentences.¹¹ New York State followed national trends in sentencing policy with its passage of the Rockefeller Drug Laws, which set mandatory minimum sentences for certain classes of drug crimes such that individuals who in previous decades might have received sanctions or community sentences were now ensured terms in prison and for determinately longer lengths of stay. Federal ‘truth-in-sentencing’ provisions were also espoused in New York, increasing terms of incarceration for offenders of violent crimes and ensuring that at least 85 percent of those terms be served.

The direct consequences of these policies taken together is clear: the number of people incarcerated in the United States has grown by 500 percent between 1973 and the late 1990s, such that by 1999, there were 476 incarcerated people for every 100,000 residents, with over 1.3 million people in state and federal prisons. The less often discussed corollary to this story is the concomitant growth in the

¹¹ Michael Tonry. *Sentencing Matters*. New York: Oxford University Press. 1996.

jail population rate, such that today there are over 600,000 people held in local jails on any given day.¹² Whether or not this combination of “tough on crime” policies and directions was indeed responsible for the declining crime rates both nationally and locally in New York is a matter of debate, one in which I will not attempt to join here. Nor will I attempt to evaluate whether or not the pursuit of these policies was truly motivated by sincere concern for rising rates of crime, versus as a political strategy to gain votes and support.¹³ Whatever their motivations and intentions, it seems clear that the makers and supporters of these “tough on crime” policies pay little regard for two incontrovertible facts: 1) that the capacity of the prison system, its facilities and operations, are indeed limited; and 2) that “the more people we put in prison, the more will eventually come out.”¹⁴

If the recent flurry of interest in prisoner re-entry is any indication, criminal justice and corrections officials are now beginning to realize that incarcerating individuals at a high and rapid rate places strains on the states’ capacity to build and operate prisons, and that the return of high numbers of prisoners who lack the benefit of planned and assisted re-entry to the community presents a public safety risk that threatens the general public’s trust presently enjoyed by the criminal justice system. If anything, interest in prisoner re-entry, and the sudden rise in new interest among state Corrections departments to enhance transition planning and community supervision, brings to light the degree of isolation within which criminal justice policies was made in the past three decades. The notion of ‘policy isolationism’ in the criminal justice system provides a way to understand how the criminal justice system could pursue what now seems an unsustainable policy of incarcerating people at high rates, while drastically undercutting those once well-established mechanisms and practices that provided for facilitating and ensuring success in community re-entry. As Travis, Solomon and Waul explain, “Such staples of correctional management as good-time credits earned through compliance with requirements and successful completion of in-prison programming and discretionary release through review by parole board have been abolished or curtailed in many states. Further, intensive case planning and management, both pre- and post-release, and the availability of community support services have not been viewed as priorities.”¹⁵

From the standpoint of public administration, the “tough on crime” approach—with its high emphasis on incarceration and dismantling of the “bridging” function to the “outside”—has resulted in the fragmentation of the criminal justice function from the function of other areas of government that oversee social services and supports in the community. From individual and community perspective, such

¹² Travis et al., 4.

¹³ For an excellent exploration of the motivations surrounding “tough on crime” trends in criminal justice policy, see “Understanding Prison Policy and Population Trends,” by Theodore Caplow and Jonathan Simon, in *Prisons*, edited by Michael Tonry and Joan Petersilia. Chicago: The University of Chicago Press. 1999.

¹⁴ Travis et al., 4.

¹⁵ *Ibid.*, 5.

fragmentation manifests itself in the growing institutional distance between the prison and the community and from the variety of natural supports and social services available there. Moreover, such institutional distance has a geographic component as well. In New York as in many states, prisons tend to be sited in upstate regions sometimes hundreds of miles from New York City, despite the fact that at least two-thirds of people released from State prisons return there.¹⁶ Such prison siting decisions not only frustrate inmates' ability to better plan their return to the community (least of all, to obtain and secure housing), but also demonstrates that the criminal justice system's decision-making apparatus takes inmates' post-incarceration housing situation of and other re-entry needs little into account.

The lack of regard for re-entry and post-incarceration housing needs is further apparent in Corrections agencies' stated view of their missions, often summarized by the phrase "custody and control."¹⁷ Often used to justify corrections departments' limited role in assisting in re-entry and reintegration, this particularly narrow restatement of corrections' roles and responsibilities depart far from 1970s attempts to define the functions of corrections as inclusive of a rehabilitation role. Conceptually, the prison walls themselves were not only used to keep prisoners inside, but also to define the boundaries of Corrections agencies responsibilities. This view reflects a retraction from responsibility over re-entry outcomes that conflicts with corrections' role as part of a larger public safety apparatus that does indeed have responsibility for what happens on the "outside." The common argument is that the criminal justice system is divided into specialized units, where Corrections is exempt from accountability for outcomes in community re-entry. Such a view merely begs the question: where, if anywhere, in the criminal justice system does responsibility for re-entry outcomes, including preventing homelessness, indeed lie? Or is the implied notion that this responsibility for re-entry lies elsewhere than the criminal justice system?

The institutional and geographic distance frustrating inmates' ability to plan for and obtain post-incarceration housing, as well as corrections' retracting role from the re-entry process, does not alone account for the criminal justice system's role in contributing to rising rate of post-incarceration homelessness in New York. Indeed, the other component is the isolationist policymaking that characterized New York City's law enforcement policy throughout the 1990s. "Tough on crime" law enforcement became a centerpiece of the Giuliani administration, pursuing a crackdown on "quality of life" crimes along with enforcement strategies targeted towards high-crime neighborhoods.¹⁸ Although the links have not been well documented, the Bratton-Giuliani model of law enforcement and its regular drug sweeps is attributed with dramatically changing the composition of City jails, as well as State

¹⁶ New York State Division of Criminal Justice Services. "Interagency Offender Re-entry Task Force Interim Report," December 15, 2003.

¹⁷ Interview with Marta Nelson, Vera Institute of Justice, February 19, 2004.

¹⁸ Marc Mauer and the Sentencing Project. *Race to Incarcerate*. New York: The New Press. 1999.

prisons in New York.¹⁹ “Quality of life” policing, which disproportionately targets people living on the street or in shelters arrested for public nuisance violations, meant that increasing numbers of long-term homeless individuals were now becoming regular “customers” of the criminal justice system, hence the criticism that this model of policing “criminalized homelessness.”²⁰ At the same time, drug sweeps regularly held in so-called high crime neighborhoods tended to target arrests to the most vulnerable and unstably housed individuals. As a result, criminal justice-involved persons were not only more likely to be African-American or Latino, but now were also more likely to have a serious mental illness, a history of substance abuse, HIV infection, Hepatitis, and/or tuberculosis. The use of jails to ‘warehouse’ these vulnerable individuals proved well beyond the capacity of the jails system. As administrators in City corrections are quick to point out, the New York City jail system was clearly not equipped to deal with individuals with such high service needs, and therefore, a large part of the 1980s and early 1990s were spent “putting out the fires” in the jail system.²¹

One can only assume that the disproportionately high levels of service needs among this new generation of criminal justice-involved persons were unintended consequences of law enforcement policy, conceived and pursued using an isolationist lens. For the complex needs of these individuals not only posed a challenge to the State prison system, who would be responsible for accommodating them within their prison populations, and to the State parole board, who would be responsible for reintegrating these individuals safely into the communities, but they also presented enormous challenges to the New York City jail system, who soon became one of the largest de facto mental health and infectious disease control institution in the country. It remains a matter of speculation then to consider how these challenges could have been avoided if the City’s approach to increasing “quality of life” had not been fragmented, but instead involved the public health, mental health, and social services sectors in addition to law enforcement and corrections.

B. Fragmentation as Over-Specialization and Categorization in Health and Social Service Systems

Attempts to link together corrections with various community-based social service systems had its share of limitations. Indeed, as non-profit service providers are quick to note, the various public sectors and agencies that govern social services and health have long been plagued by over-specialization and fragmentation into categories that decreasingly bear a relationship with the realities of social needs. Perhaps homelessness among people leaving prisons and jails could have been reduced, if not prevented, had these systems been designed to comprehensively respond to the multi-faceted needs of these individuals, as well as to target their services and programs to the specific needs of people leaving

¹⁹ Interview with NYC DOC Deputy Commissioner Roger Parris, March 3, 2004.

²⁰ See Hopper, 192.

²¹ Interview with Roger Parris.

incarceration. But fragmented, as they were, into specialized functions that divided resources and accountability by highly specific categories of need, these systems could only respond in limited way.

To be fair, nearly all of these systems did attempt to expand their domains of responsibility to include people incarcerated in and leaving correctional institutions. Both the City and State's mental health agencies eventually expanded their missions to include both corrections-based services, as well as "forensic" services for people leaving the criminal justice system. In addition, both the State and City's Departments of Health, as well as the City's municipal hospital authority, the Health and Hospitals Corporation, extended health care and public health services including reintegration assistance to state and city inmates, if only in the interests of public health and infectious disease control.

What resulted from these broadening missions, however, was not a single, comprehensive and flexible approach to re-entry assistance for all persons leaving incarceration, but on the contrary, were a series of disjointed and fragmented forms of re-entry assistance and transition planning that were duplicative and uncoordinated, and that furthermore failed to reach a large number of persons who were not "lucky" enough to fit into one of their defined categories of need. Moreover, contrary to expectations, the discharge planning services created within each of these systems failed to effectively link individuals leaving the correctional facility to community-based models of care. Nor did the growing correctional services divisions within these agencies help to inform the development of new community-based services. Indeed, much of the successes achieved in these systems during recent decades, resulting in highly effective housing-based models of service delivery, were not extended to persons leaving correctional custody, but remained limited to those individuals who luckily remained within on the "outside." It was almost as if the institutional fragmentation that widened the institutional distance between the prison and the community had triumphed over all.

C. Fragmentation as Policy Isolationism in Public and Affordable Housing Policy

As the housing needs of people leaving jails and prisons became increasingly apparent, many thought to look to the various agencies governing affordable housing policy for assistance with resources or to respond to these needs. This attempt was met with little success, for the affordable housing sector had moved in its own directions and developed its own sense of priority, characteristic of its own growing isolation from other sectors of public administration. The various efforts and legislation that comprise US housing policy since the 1970s can be characterized as involving three movements, all leading towards further isolation from other public sectors and systems.²² First, growing concern for the declining condition of and rising crime rates within publicly-owned and subsidized housing led to an increased

²² For an excellent synopsis of federal and local housing policy during the past two decades, see Langley C. Keyes, Alex Schwartz, Avis C. Vidal, and Rachel G. Bratt, "Networks and Nonprofits: Opportunities and Challenges in an Era of Federal Devolution," in *Housing Policy Debate*, Vol. 7, Issue 2. 1996.

focus on property management, centered around anti-crime efforts directed at the proliferating drug trade within public housing.²³ The most notorious example of this was a series of legislation and acts, culminating in Clinton's 1996 "One Strike and You're Out" Policy, which accorded local public housing authorities with greater discretion with regard to tenant screening, selection and eviction for both public housing as well as for Section 8 tenant-based rental assistance, particularly with regard to persons with drug-related or violent criminal histories. Later additions to these policies applied more stringent and mandatory bans against people convicted of sexual offenses and methamphetamine production. Save for a few cases, housing authorities across the nation began to exercise the full range of discretionary selections, resulting in the denial and eviction of hundreds of individuals. New York City Housing Authority, renowned as one of the model housing authorities in the country, has opted for the most stringent application of these discretions, denying housing almost automatically to most individuals with recent criminal histories. These exclusionary policies are consistent with the pattern of isolationist policymaking, where little regard is given to the externalities of institutional choices. Indeed, focused on increasing the safety and quality of the "stock," these recent public housing policies seem little concerned with the housing needs of those who it turns away. Nor do these policies answer the lingering question: where are people who are poor, criminal justice-involved and struggling substance abuse problems, expected to live? And moreover, what will be the public safety impact of turning those individuals away?

The second movement in housing policy, spurred by changes in political opinion regarding the federal government's proper role in affordable housing provision, led to the devolution of funding and oversight of housing initiatives to the State and local level, and consequently to a) the growing importance of local preference in determining housing priority and b) to decreasing unity and coherence in national housing policy trends and movements. Such is evident today in the wide diversity of priorities pursued by different state housing finance and development agencies, as well as the growing discrepancy in affordable housing availability in different states. It has also led to the fragmentation of the affordable housing movement and the differential shaping of local housing priorities and preferences. In New York City, affordable housing policy has largely been driven by concerns over disinvestment in urban neighborhoods and the declining quality of the housing stock. Driven by considerations of "market failures" and using an economic analysis of neighborhood conditions, affordable housing policy in New York as in many other urban localities concerns itself primarily with meeting supply for demand as it is determined by income categories, not categories of service needs. As such, housing agencies like the City Department of Housing Preservation and Development (HPD) may tacitly allow people leaving incarceration to obtain affordable housing, but exercise no preferences, expecting these individuals to join

²³ See Langley C. Keyes. *Strategies and Saints: Fighting Drugs in Subsidized Housing*. Washington: Urban Institute Press. 1992.

the larger pool of demand.²⁴ Policy isolationism manifests itself here in HPD's adherence to housing sector's market-driven view of housing needs, largely blind to the special conditions of persons leaving institutions.

The one exception to this is in HPD's response to homelessness through its subdivision, the Office of Special Needs Housing. This office, along with its counterparts in numerous City and State housing development agencies, is part of the growing trend in housing policy towards the use of 'means-testing' in housing priority determinations, whereby one's proximity to a state of housing emergency (culminating in extended or continuous homeless shelter utilization) serves to establish one's priority for housing subsidies and assistance. It is perhaps in this area alone that HPD and other housing agencies have grown cognizant of the housing needs of persons leaving incarceration, as viewed through the lens of homelessness.

Homelessness as System Fragmentation and the Locus for De-Fragmentation

Because of the fragmentation between the criminal justice system and the various public human service systems and the affordable housing industry, more and more people have been falling into the widening chasm between correctional involvement and systems of community-based care. In doing so, these individuals were joining the ranks of thousands others who fell into society's default category for anyone who appeared to have fallen out of the normal patterns of life: homelessness. Indeed, homelessness, as a special category of persons or social situations, is nothing if not society's most visible manifestation of system fragmentation. The history of homelessness policy and advocacy is deeply intertwined with the fragmentation of institutional systems, most notably in the mental health system, but also housing and other social services systems, including child welfare and public health. As such, homelessness often becomes the locus of various attempts to de-fragment public systems and their categories of need. Perhaps the most prominent mechanism for de-fragmentation that has emerged in the homelessness assistance field is supportive housing, a non-profit housing model that combines affordable housing with an array of social services that draws funding, and hence, meets the objectives of multiple public systems. Using a case management model of service delivery, supportive housing both integrates and links individuals in a housing setting to a network of services, organizations and resources. Thus, although supportive housing emerged first as an intervention for homelessness, its comprehensive and integrative approach to addressing service needs makes it extremely adaptable to serve a wide range of individuals and family needs.

It was not surprising, therefore, that providers of supportive housing for the homeless would recognize and take ownership of post-incarceration homelessness as a familiar phenomenon, and would

²⁴ Interview with Ilene Popkin, March 16, 2004..

eventually join forces with more traditional prisoner advocacy organizations, to address the needs of formerly incarcerated homeless persons. By the mid-1990s, supportive housing providers were not only cognizant of the fact that their tenants included many people with recent criminal histories, but many also embraced this as a natural extension of their missions. Operating amidst a fragmented set of public systems, however, these providers would soon meet with controversy around the merging of homelessness with prisoner or “ex-offender” advocacy interests. This took place in the form of debates regarding the definition of homelessness and the eligibility of formerly incarcerated persons from homeless assistance. Homelessness and hence eligibility for homeless assistance had been defined through the federal legislation that represented the federal government’s main source of funding for supportive housing—the Stuart B. McKinney Act—as excluding persons incarcerated under State or federal laws.²⁵ However, stated in its official language, this definition of eligibility remained unclear as to whether or not all persons who had left correctional institutions were ineligible, or whether they could become eligible only after becoming officially homeless, that is, by entering the shelter system. Many supportive housing providers simply ignored the stipulation and continued to target formerly incarcerated persons, including those seeking assistance directly upon release from jail or prison. Still others resorted to employing the “loophole,” sending people to shelters for one or several nights before providing them with assistance. These two approaches proved unsustainable: by the mid-nineties, HUD, along with local agencies, began scrutinizing and more rigorously enforcing adherence to the federal definition, expressing concern that expanding supportive housing eligibility to formerly incarcerated persons would “open the floodgates” to the large numbers of people exiting prisons and jails. Meanwhile, more and more providers of supportive housing were actively seeking to assist the “new generation” of homeless persons who had recent experiences of incarceration, despite the threat of enforcement. Even the homelessness services system, it appeared, was prey to categorization and fragmentation, attempting to define its boundaries of inclusion using a tenuous definition of eligibility.

Testing these boundaries proved difficult in New York City, where eligibility for homeless programs and assistance had become increasingly systematized as the shelter system grew. The Department of Homeless Services (DHS) had become an independent agency in 1993, and by then, had already become responsible for ensuring the City’s compliance with the court-imposed consent decree ensuring the right to shelter and decent shelter conditions for New York City’s homeless. Moreover, New York State and City’s main production program for supportive housing—the New York/New York Agreement to House the Homeless Mentally Ill—had linked itself the shelter system as the primary source of tenant referrals for supportive housing. Simply put, in order to enter most of the supportive

²⁵ US Code, Title 42, Section 11302. Stated in Cornell University Legal Information Institute Home Page. <http://www4.law.cornell.edu/uscode/42/11302.html>.

housing in New York City, one had to be officially designated as homeless by first entering the shelter system, or in the case of the street homeless, by designation through another agency. What this meant was that people leaving correctional institutions who were in need of supportive housing in New York could not obtain it unless they first entered that uncertain chasm of homelessness, despite the dangers and risks that doing so presented. The shelter system, and DHS as its overseeing agency, now became responsible for managing the queue of housing needs, and someone leaving prisons or jails could not enter this queue without becoming first “officially” homeless.

Overcoming System Fragmentation: Three Strategies

Many have now begun to rethink the direct targeting of supportive housing and other forms of housing assistance to the shelter system, seeing this policy as contributing to rising numbers of shelter users who are not indeed homeless. Though mired in controversy, a need for revisionism appears relevant at least for formerly incarcerated persons, whose need for housing and services may be made apparent at the correctional facility or without entering the shelter system. In the mean time, however, homelessness continues to serve as the most telling indicator of the presence of institutional failure. At the same time, homelessness has become the locus of emerging efforts to overcome fragmentation. Within the field of homelessness, supportive housing emerges as a model for de-fragmentation and integration, where funding (and system objectives) are integrated at the point of service delivery to broadly target various population categories, and to address a range and variety of service needs. These efforts will remain limited, however, without increasing integration at the system level that facilitate the further creation of effective programmatic interventions that can flexibly serve multiple categories of need and at the point of prevention. Such systems-level integration demands a new set of practices and structures in the governance of public systems.

How then can these systems, which tend to operate as I have shown largely in isolation of one another, be reformed to achieve such integration? The answer to this question seems to lie in the strategies documenting in the growing body of literature around policy dialogue and collaborative planning. The first of these strategies emerges from the work of Schön and Rein in their analysis of what they refer to as “intractable policy controversies,” controversies that begin as charged policy disagreements that soon become “immune to resolution by appeal to the facts.”²⁶ Such controversies arise, they argue, from “frame conflicts,” that is, conflicts between differing views of social reality. These views express themselves in powerful metaphors that help to shape the world-views of actors in policy settings.

²⁶ Donald A. Schön and Martin Rein. *Frame Reflection: Towards the Resolution of Intractable Policy Controversies*. New York: HarperCollins. 1995. 4.

It is easy enough to see how such frame conflicts are indeed at work in bringing about the system fragmentation that contributes to post-incarceration homelessness. Such frame conflicts are indeed at work in the controversy around homeless eligibility, where HUD's use of the "floodgates" metaphor stands in conflict with State Corrections' use of the phrase "custody and control" in defining its mission. In this case, both metaphors are used to push the burden of blame onto the other system, and frame conflict emerges as a mutual retraction from responsibility. Similarly, the social services' categorization of need based on "diagnoses" contrasts sharply with the housing systems' use of income categories and "market failures" to determine priority. Using the notion of frame conflicts, one sees how fragmentation between these various sectors likely stems from varying world-views. Overcoming these conflicts takes place through a process that Schön and Rein refer to as 'frame reflection.' Such frame reflection occurs when individuals from different arenas with diverse sets of expertise are convened to engage in policy dialogue or discourse, and when they recognize the presence of frame conflicts. When this happens, individuals can choose to reject their own frames realizing them as flawed, refute the conflicting frame, or undertake a process of "'mapping' or translating from one frame to another."²⁷ In this strategy, parties engaged in frame conflicts enter into a process of dialogue and may come to a mutual understanding of the other's respective frames. What emerges through this dialectical process is a new frame that may encompass elements of both views of reality.

Frame reflection is a promising means of overcoming conflicts, including the problem of fragmentation involved in the problem of homelessness among people leaving prisons and jails. If conflicting views of social reality and institutional responsibility could indeed be overcome through a process of frame reflection, such might lead to a broader or "systems" view where parties could understand the external effects of particular policy decisions, and recognize the need for correction. Yet to build upon a one-time reframing occurrence to create broader changes in institutional cultures requires a broader strategy. This leads us to a second strategy known as 'transformative learning.' 'Transformative learning' refers to a process that can take place when Schön and Rein's diverse sets of actors engaged in policy discourse are changed "into a more deliberative political body."²⁸ Through an established forum for interaction, these actors "may find themselves learning in surprising and unpredictable ways as they participate in loosely goal-directed but ritualized performance of sharing stories together, brainstorming possibilities, listing strengths and weaknesses of salient organizations, and so on."²⁹ Ritualization or formalization of dialogue not only fosters the potential for reframing, but

²⁷ Ibid., 43.

²⁸ John F. Forester. *The Deliberative Practitioner: Encouraging Participatory Planning Processes*. Cambridge: MIT Press. 1999. 144.

²⁹ Ibid., 145.

indeed encourages the formation of “networks and new organizational forms as well.”³⁰ Moving then from individualized epiphanies to new kinds of policymaking processes calls for the formalization and regularization of inter-system and inter-agency dialogue. Such a formalized means of interaction between systems seems due indeed between the various agencies that touch upon the problem of homelessness among formerly incarcerated persons.

In most cases, formalized forums for dialogue cannot be sustained indefinitely, and more often than not, such planning forums are convened to tackle specific and immediate problems. If indeed frame reflection and transformative learning does take place, such that participants not only have newly constructed world-views, but also new relationships and openness to change, how then can the process of change be incorporated into practice to create new kind of policymaking built upon an understanding of system-wide effects? A third concept, growing in import, is the notion of boundary spanning. Boundary spanning refers to those functions with organizations that involve interactions with the external environment and with other organizations and parties. The best examples of this are the departments of mental health’s “forensic” divisions, whose activities primarily involve interaction with corrections facilities and departments. Such functions allow organizations to pursue broader sets of activities without fear of “mission drift” or “mission expansion.” Because regularized interaction with other organizations can provide important feedback about an organization’s performance, boundary spanning can also assist organizations with ensuring the quality of its activities, determining whether or not activities currently being pursued are sufficient to their objectives, or whether new kinds of activities are needed. For example, through interaction with a state correctional facility, a forensic mental health division might determine that no transportation is currently being provided for inmates being discharged to community-based mental health care facilities. Identifying this gap in services, the department of mental health might form a partnership with state corrections to provide this transportation, perhaps with a cost-sharing arrangement. In this way, boundary spanning can lead towards new kinds of partnerships between organizations, and the sharing of resources to achieve common ends. At the very least, interaction between the systems that touch upon post-incarceration homelessness could help to foster widespread recognition of the problem and the ways in which fragmented systems contribute to it, if not in fact lead towards the creation of a new system of prevention.

In the following section, I will present the case of one formalized forum for inter-system dialogue, discussing its process and achievements, and evaluating its promise for systems reform and integration. Throughout this case study, I will attempt to identify where these three strategies were evident in practice, thus illustrating how systems change can take place in a real-life context.

³⁰ Ibid., 151.

The New York City DOC/DHS Collaboration to Improve Discharge Planning: A Case Study

My attempt to characterize the problem of homelessness among people leaving prisons and jails as an institutional failure is clearly limited and simplistic in both its depth and scope. The story I have presented is by no means inclusive of all the ways that the housing and criminal justice systems have excluded the problem of homelessness among returning inmates from their scope of responsibilities, nor does it include any discussion of the sincere efforts to tackle the problem that have likely been attempted by many working in both systems. Moreover, the story is grossly incomplete, failing to consider the role played by other systems and public agencies in the gradual unraveling of the safety net for formerly incarcerated people and their families. The full story requires a fuller treatment of the role of mental health de-institutionalization, the retrenchment of public welfare benefits, as well as numerous other factors contributing to the widening gap in incomes and social mobility within urban America. Despite these limitations, the story presented here itself attempts at a “systems” approach to understanding homelessness among returning inmates, one that may lead us towards lasting and far-reaching solutions.

Such a systems approach gives us a context for understanding the collaboration between the New York City Department of Correction (DOC) and the Department of Homeless Services (DHS). For as much as they were an integral part of the fragmented public systems that retract from responsibility over persons who become homeless after leaving incarceration, these two agencies have the unique position of witnessing first and most tangibly the growing housing needs of formerly incarcerated persons, and to become cognizant of the impending crisis that this burgeoning problem posed. Indeed, the effects of the changes in criminal justice, social welfare and housing policy between the late 1970s and throughout the 1980s were nowhere more keenly felt than by both shelter operators and jail administrators, who saw their systems triple or quadruple in size during this period.

The Impetus: Internal Pressures, Strategic Opportunities and “Grassroots” Government

As the agencies that stand at the receiving end of public systems, both DOC and DHS are in the position of experiencing first and most heavily bearing the burden of policy changes. Jails and shelters in fact serve as entry points into public system involvement, sort of institutional first stops for people who have fallen out of customary and accepted patterns of living. In this way, both jails and shelters tend to serve as barometers for cities and societies, where a noticeable rise in the census of either indicates the incidence of societal or system failures. Deputy Commissioner for DHS Mark Hurwitz describes this aspect of his agency as “an early warning system: a dramatic indicator of the extent to which people fall through the cracks of social service systems. From the early days of the shelter system, there have been

waves of issues that DHS has witnessed early and raised, including the rise in homelessness of people with serious mental health to the AIDS epidemic.”³¹

The closure of mental hospitals beginning in the 1970s, the rise of the “crack epidemic,” and the movement of law enforcement and criminal justice policy and practice towards “tough on crime” measures led to dramatic increases and changes in the population of both New York City’s jails and shelters. From 1982 to 1990, the City jail census increased from count of about 8,000 inmates daily to one of about 22,000 daily. Furthermore, the composition of inmates had also changed significantly. As Deputy Commissioner of Programs for DOC Roger Parris describes it, “During the eighties, we saw our system quadruple in size, and on top of that, for the first time, we were seeing the jails fill up with people with special needs...people with serious and persistent mental illness, people with AIDS, Hepatitis, herpes zoster, and TB.” Likewise, driven by many of the same historical factors, the City shelter system grew from a daily census of 3,786 persons in 1982 to a daily census of almost 10,000 persons by 1987, also with higher rates of mental illness, HIV/AIDS, and other chronic health issues. Deputy Commissioner Parris summarizes it well: “The closure of mental health institutions released thousands of people to the streets, and 70% of people leaving state hospitals went to New York City. Couple this with the crack epidemic hitting the streets during the mid- to early-1980s, you had a situation where people with serious health and mental health and substance abuse problems were going into one of two places. Many of them went into the shelter system. Those that ended up on the streets for a longer period of time eventually got picked up for quality of life crimes or during the drug sweeps and ended up with [DOC].”³²

Ironically, despite their unique “front line” vantage point, neither DOC nor DHS are given much control over the policies that affect their censuses. In this way, these institutions occupy subordinate positions within their larger systems that as a whole are designed to more fully administer to the welfare of individuals. Within these larger systems, jails and shelters are seen as little more than way stations for their respective systems—temporary repositories for people awaiting intervention by the state or assistance from the social welfare system. Both jails and shelters are subject to ebb and flow of demand for their space based upon changes in the capacity of their larger systems to receive, process and attend to pending cases. Jails are subject, on the one hand, to changes in law enforcement policy, which can decide to increase rates of arrest without regard for jail space and capacity. At the same time, relief on space and resources through the outflow of jail inmates is dependent on the function of courts to process cases, as well as on numerous other factors such as the court’s proclivity to pre-trial release or the overflow demands of state prisons. Similarly, shelters are subject both to the rising demand for bed space (i.e. rising rates of homelessness) and to the availability of (affordable) housing. This is especially true in

³¹ Interview with Deputy Commissioner Mark Hurwitz, February 19, 2004.

³² Interview with Roger Parris.

New York City, where consent decree requires that the City provide shelter to all individuals and families seeking it. Because of these structural relationships, both the New York City Department of Correction and the Department of Homeless Services stand at the receiving ends of their systems, left to merely react to changes in both “front door” and “back door” policies by expanding capacity and resources as demands require. New York City Department of Correction Commissioner Martin Horn acknowledges this fact: “There hasn’t really been a Corrections policy, at least with respect to re-entry. City Corrections is a purely responsive agency—law enforcement decisions are made, more people are arrested, and the assumption is that Corrections will catch up.”³³

Being at the receiving end in this way, both DOC and DHS are continually given rich levels of resources by the City in order to supply the space as levels of demand are generated at other ends of their systems.³⁴ However, few resources are provided directly to assist these agencies with those activities that would relieve pressure on jails and shelters, respectively, those that preventing repeat offenders from recidivating, and those that helped homeless persons obtain permanent housing. Obtaining those resources is left to the agencies themselves. This results in a condition in which both DOC and DHS are akin to “‘have not’ agencies...Other agencies are ‘have’ agencies who control the resources needed by [their] people, while [DOC and DHS] are responsible for caring for the people who are in need the resources.”³⁵

From an institutional and “systems” perspective then, collaboration between DOC and DHS seems a logical, if not imperative consequence of the growing burden of their institutions. Both agencies share the unique position of being at the “front end” or “front line” of larger systems, and both bear the brunt of the burden caused by policy decisions, given funds to expand their systems, but forced to exercise resourcefulness in order to relieve pressure on their systems. Viewing these agencies in this way, DOC’s and DHS’ joint effort on discharge planning and homelessness prevention appears as a kind of governmental “grassroots” effort, distinct from other kinds of vertically-imposed collaborations, but arising out of frustration with the unsustainable over-reliance on emergency responses to social problems. To be sure, neither agency is directly held accountable for dramatic increases in their populations or continual expansion of their systems, save for by the efforts of advocacy groups. DOC and DHS have enjoyed relatively steady growth in their budgets over the past few decades, and for the most part, such growth has been justified as the necessary expansion based on social trends.

³³ Interview with NYC DOC Commissioner Martin Horn, February 18, 2004.

³⁴ Recent data provided by the City of New York for use in its strategic planning effort to “end homelessness in ten years” shows steady growth in the shelter census tracked closely by steady growth in the NYC DHS budget between 1999 and 2004.

³⁵ Interview with Martin Horn.

Policymakers seeking to replicate this initiative are left to wonder about the conditions that could inspire this kind of interagency initiative to take place. One significant factor driving the impetus for this initiative seems to be timing. Previous leadership in both DHS and DOC has been characterized as primarily focusing on emergency response. As Commissioner Horn acknowledges, “My predecessors here under Dinkins and Giuliani did a lot of great work to establish order and regain control of the jails. The other major accomplishment during those years was to bring the City in compliance with its consent decree, much of which has now been dissolved. This gives me the luxury to focus on this kind of initiative.”³⁶ A view shared by many city officials is that the overcrowding and health-related emergencies facing both jails and homeless shelters throughout the eighties and nineties left little time and resources to focus on addressing anything beyond “putting out fires.” Both agencies appear, during this time, to have spent the majority of their activities on adapting to both astronomical demands for bed space as well as on new kinds of health and security services, all the while attending to mounting litigation from advocates who decried the City’s lack of preparedness and responsiveness to both co-occurring social crises. It was during this period that DOC focused resources on both increasing its public health and mental health programming.³⁷ DHS pursued similar emergency response, largely focusing its attention on improving conditions and services in shelters, and developing sophisticated methods of tracking individuals’ usage. Clearly, then, the timing of this initiative was neither arbitrary nor independent of other factors, namely, the ability of government to focus on system change. Such a statement bodes negatively for collaboration in systems that are bogged down by the management of daily emergencies, but suggests the importance of capitalizing upon strategic moments to bring about meaningful system change.

Seizing an opportune moment certainly seemed an important consideration for both Commissioners Horn and Gibbs, who commenced their initiative with the convening of a strategic planning ‘retreat’ on June 12, 2003. Martin Horn was still new to his role as Correction Commissioner for the City, having just been appointed by Mayor Michael Bloomberg in January 2003 to run the “troubled” DOC as well as to continue as Probation Commissioner. With the Mayor’s proposed merger of the two agencies pending, Horn entered service as Correction Commissioner in a context of reform and concern for efficiency in government. Mayor Bloomberg had already merged several City agencies, and expressed his favor for the merger of DOC and Probation as both a cost-effective and logical measure: *Newsday* quoted the Mayor as saying, “Needless to say, there is a great deal of overlap between the two

³⁶ Interview with Martin Horn.

³⁷ Among the public and mental health-related accomplishments during this period were the setting of minimum mental health standards within DOC facilities in 1985, STD and HIV-prevention beginning in 1987, and development of tuberculosis prevention standards and procedures.

populations.”³⁸ Governing these agency mergers was a business-like belief in efficiency through consolidation, and likewise, through collaboration. Other events also laid the groundwork for collaboration. Looming in the background of the initiative just as it was conceived was the recently settled lawsuit, *Brad H. vs. the City of New York*, which through consent decree, requires the City to provide discharge planning to mentally ill inmates of Rikers Island. More recently, both the City’s authority, the Economic Development Corporation, as well as the New York City Council, funded pilot initiatives around discharge planning on Rikers. In sum, the time was ripe for reform and innovation.

Within this context of reform and collaboration, Commissioner Horn and DHS Commissioner Linda Gibbs has already begun conversing about the problems facing both of their agencies. In particular, it was in a previous interagency collaborative undertaking called the “One City” Initiative that Horn and Gibbs began to recognize more concretely the need to work collaboratively. An attempt to examine inefficiencies in the City’s social service and case management systems, the “One City” Initiative led various agencies to begin integrating client data systems to track usage of services across systems. It was a data analysis matching City jail data with City shelter system data that Gibbs and Horn first saw the overlap between their system in real numbers.

In an early attempt at a collaborative approach, Gibbs convened on February 14, 2003 an ‘Advisory Breakfast’ of experts in government and in the field of housing and homelessness assistance to discuss ways to prevent the entry of formerly incarcerated persons into the shelter system. At this meeting, which was attended by City and State officials, as well as a few leaders and experts in the field of criminal justice and homelessness, debate arose quickly regarding whether or not homelessness could be prevented by either improving Corrections-based programming (i.e. improved discharge planning) or the development of new community-based programs. From this discussion, it was evident that neither solution was solely capable of addressing the problem, and that finding a solution demanded further deliberation, if not indeed collaboration. Two months later, DOC and DHS convened the first of what was to be a series of planning sessions.

Setting the Stage: Structure of the Initiative

From the outset, the collaborative planning effort by the New York City Department of Correction and the Department of Homeless Services was designed as a process spanning several months, punctuated by three strategic planning “retreats.” The initial purpose of the initiative, as stated in the concept paper attached to the invitation, was to “assess the current state of affairs, taking an inventory of available resources, determining who does what best, allocating and taking responsibility.” Out of this

³⁸ *Newsday*, “Commish’s Double Duty; Probation chief to fill correction post in merger strategy.” December 27, 2002.

deliberative process were to emerge recommendations about programmatic and policy innovations—“linkages and agreements about which populations should be targeted and for what level of service”—as well as concrete products and procedures—“a plan to collect discharge-relevant information about an inmate at intake in a fashion that can be used by all providers and which improves pre-sentence reports.”³⁹

The first retreat’s discussion resulted in the creation of three sub-committees, who were each charged to explore, examine, and develop recommendations around three different task areas. The first of these sub-committees, known as the ‘Discharge Planning’ Workgroup, was charged with the tasks of refining and improving intake and assessment procedures, improving the engagement of City jail inmates into discharge planning services, and exploring ways to promote efficiency and reduce duplication of service delivery on Rikers Island. In this way, the ‘Discharge Planning’ sub-committee’s work was focused primarily on improving DOC-related policies with regard to managing and assisting jail inmates in their transition to the community. The second sub-committee, the ‘Interagency’ Workgroup, was responsible for identifying and exploring ways to reform former jail inmates’ barriers to resources and assistance and to assist with data sharing and interaction between City agencies. Looking at policies that limited, the ‘Interagency’ group looked to directly reform some of the very policies that emerged as a result of the isolationism discussed earlier in this paper. The third sub-committee, known as the ‘Big Picture’ sub-committee took a somewhat inventive approach at reform, examining ways to reconfigure the missions, funding and structures of DOC and DHS (along with other City and State agencies) to prevent and reduce shelter and jail involvement among DOC discharges. The ‘Big Picture’ group approached this by both “visioning” around the outcomes that would be the goal of system reform, as well as exploring and proposing mechanisms for changing government processes and oversight. Through the work of all three sub-committees, along with the thoughtful exchange of knowledge at each of the three planning retreats, the joint DOC/DHS initiative would evolve into a process that would signify the beginnings of lasting and far-reaching system changes.

The First Retreat: Finding a Common Direction amidst Frame Conflicts

The first retreat was held on June 12, 2003 at the Wave Hill public garden and conference center in the Bronx. Attended by forty-four individuals, including City officials, community-based providers, advocates, and researchers, the meeting assembled a promisingly diverse range of experts from various sectors and fields to engage in this discussion. Diversity among participants arguably managed to supercede that of previous initiatives to improve discharge planning from City jails, including a renowned effort conducted in 1998 and facilitated by Dr. Nicholas Freudenberg of Hunter College’s Center for

³⁹ NYC Department of Correction. Concept paper entitled “Creating a Strategic Vision of Discharge Planning for Reentry in the New York City Department of Correction.” May 6, 2003.

AIDS, Drugs, and Community Health, which was led by the City Department of Correction and which convened mostly organizations with experience and involvement in criminal justice policy and practice.

The inclusion of diverse participants was a deliberate move on the part of the Commissioners, as it was made clear in each of their opening remarks. Exhibiting awareness of the fragmentation currently frustrating effective discharge planning efforts as well as the gaps in responsibility that results from such isolation, Commissioner Horn expressed his hope that the assembly of a broad array of experts sharing knowledge and ideas could “*break down barriers, creating systems where none exists.*” Likewise, Commissioner Gibbs acknowledge the rarity of such interagency collaboration: “There is a sense that cooperation is not present among our agencies and I thank Commissioner Horn for the opportunity to take up the challenge *to work across agencies and to break down the existing silos.*”⁴⁰

Having set the tone of the initiative in this way, Horn proceeded to charge the group with the ambitious task of developing a strategy that gave thought to broader outcomes than are traditionally associated with efforts to improve discharge planning, that is, reducing recidivism. These outcomes would be determined discursively, but clearly centered around the success of individual rather than on success at the institutional level. Furthermore, achieving these outcomes, he contended, involved three basic ingredients: “sobriety, jobs, and housing.” Despite this simplistic formulation, Horn explained that these were to be framed in the most general terms possible, where ‘jobs’ included education as well as gainful employment, just as ‘housing’ was meant to signify most broadly a safe place to live. Finally, Horn acknowledged that the need for differential approaches for the different populations currently leaving Rikers Island. Among these were the detained, but non-convicted population who left the City jails in three to five days or less, as well as the various sub-categories of City sentenced inmates (“men, women, parole violators, etc.”) who each had different service needs. The challenge was how to deliver these services within a system in which most persons entered and left within the very short time period of less than one week.

Horn’s goal-setting statements bespeak the degree to which this initiative stands out as a rare effort on the part of government to tackle social problems in their full complexity, not only recognizing the problem in its complexity, but also acknowledging the need for multi-faceted solutions. Within a context of fiscal scarcity with regard to the City’s budget, Horn expressed an uncharacteristic willingness to appreciate the depth and complexity of the problems facing re-entering inmates, as well as the need for comprehensive programmatic solutions that moved beyond fragmented services and systems. At the same time, such statements, while refreshing in their magnanimity of vision, could have easily opened the way to broad but fantastical discussions that had little utility in real-life policy-making. Therefore, to ground and set limits on the dialogue, the Commissioner laid out several ground-rules. First, the diversity

⁴⁰ Commissioner Martin Horn and Commissioner Linda Gibbs, as quoted in retreat minutes. [Emphasis mine.]

of needs among people leaving City jails necessitated prioritization, based either on need or on facility of solution. Second, a prohibition was made against “finger-pointing,” to resist any temptation to lay the blame for administrative or policy obstacles on someone else. Lastly, Horn stated that programmatic solutions would have to be conceived under the assumption that no new investment of funding would be made; funding available for new programs could only be made through re-allocations of existing funding.

Within this framework, the group participated in three discussions facilitated by Dr. Stephanie Covington, a consultant retained to assist with this planning process. These three conversations involved thought exercises in which participants were asked to characterize the current state of affairs regarding discharge planning and the community re-entry process from City jails, to envision an improved system, and to identify steps towards achieving this vision.

By far, the majority of observations on the current system presented barriers that fell into one of three categories: a) those that stemmed from individual characteristics or needs (“overwhelming lack of educational ability,” “existing medical problems such as HIV/AIDS, diabetes, hepatitis”); b) those that pointed to institutional practices within either jails or shelters (“lack of diversion programs before being imprisoned,” “those released touch numerous city agencies which do not connect with each other”); and c) those that pointed to the disjointed and fragmented nature of service delivery and agency functions (“lack of coordination,” “different departments have different population priorities.”) Other comments raised what, it became clear, was a more fundamental barrier, that is, the lack of unified knowledge regarding the problem at hand: “inconsistent description of the true barriers to discharge planning,” “no single persons with [a] comprehensive overview,” and “lack of proper definition of success.”)

The second discussion resulted in a list of items that ranged from specific practices (“Discharge planning begins at intake,” “Individuals with leave Rikers with Medicaid cards”) to both individual and institutional outcomes (“large number of discharged find their way into workforce” and “half of Rikers Island would be closed down”) to policy changes (“Those with mental health challenges diverted from DOC” and “prevention and support services are located in communities of need.”) Interestingly, a few improvement ideas had nothing to do with specific practices, policies, or outcomes for formerly incarcerated or detained individuals, but rather had to do with changes in structures and systems. In particular, these focused on coordination and cooperation between different sectors and stakeholders (“Uniform data collection instruments” and “Collaborative way to measure levels of success”). Likewise, further discussion around the steps and changes needed to bring about these improvements focused on both increasing knowledge and collaborative practices through policy reform, data sharing, and blended funding. From these discussions, four themes, and four corresponding areas for further explorations, were identified: 1) specific administrative and practice changes that could be implemented quickly; 2) broader policy changes; 3) expansion of information through data analysis and research; and

4) “big picture” issues including defining success and developing mechanisms for collaborative problem-solving. By the end of the event, these four areas were divided among the three aforementioned Sub-committees, with data analysis being divided amongst the three. Marta Nelson, a researcher and Project Director for a pre-release demonstration program of the Vera Institute, was selected to chair the ‘Discharge Planning’ Sub-committee whose task it was to refine and implement specific changes to discharge planning practice at the Department of Correction. Florence Hutner, DOC counsel, was to chair the ‘Interagency’ Sub-committee, which was to explore and advocate for changes to policies external to DOC and DHS related to benefits and housing assistance for former jail inmates. I volunteered to chair the ‘Big Picture’ Sub-committee, whose specific role was yet to be defined, but which was focused on both developing a vision for a new collaborative system as well as exploring mechanisms for interagency collaboration. For the next six months, the Sub-committees would pursue the exploration of ideas and the concrete tasks identified by the larger group.

Beyond the identification of specific tasks and areas of exploration, two reflections emerged from this retreat. First, the various discussions revealed the presence of conflicting frames, to use Rein and Schon’s term, held by participants at the retreat, suggesting the need for to set a common ground in which policy discourse could take place. Such frame conflicts involved different views of the problem of re-entry, where many of the governmental staff viewed the problem of re-entry as one stemming primarily from a lack of coordination between community-based service providers, while the providers in turn pointed to barriers regarding funding and access to resources. In addition, those agencies and organizations who did not have a role or presence in the City jail system (particularly housing and shelter providers) emphasized the need for additional community-based programming and resources, while those whose work took place primarily within the jails themselves spoke mostly about the need to enhance services on “the island.” While the broad-level discussions focused on individual outcomes helped to lay a framework for productive inter-system dialogue, much more interaction was necessary to overcome the various frame conflicts of the initiative’s participants.

In addition to and related to the frame conflicts, the retreat illustrated the extent to which fragmentation was a problem facing the creation of effective solutions to the problems associated with re-entry, in particular homelessness among former jail inmates. Indeed, the initial discussions that assessed the state of jail re-entry and its contribution to homelessness did not amount to a unified and complete portrait of the problems, but rather presented them as though they were being viewed through a multi-faceted prism. Like the blind men in the fable, the participants at this first retreat had difficulty naming the “elephant” of jail re-entry and its attendant problems. Was it a problem that stemmed from the numerous service needs facing jail inmates and detainees? Was it a problem of limited or simply uncoordinated discharge planning? What were in fact the service needs of jail inmates and were current

discharge planning services, albeit fragmented, appropriately organized to address these needs? Such lack of unified knowledge confirmed the role that fragmentation played not only in frustrating the development of an effective responses to re-entry and homelessness, but also in limiting practitioners' and experts' ability to grasp the problem itself. It would take months of collaborative problem-solving before the conflicts between perspectives and frames and the fragmented understanding of the problem associated with jail re-entry and post-jail homelessness would begin to resolve. It was indeed through the work of the three Sub-committees, where specific problem areas would be further fleshed out and tackled, that the beginnings of systemic and (institutional) culture change would take place.

Three Sub-Committees: Frame Reflection, Transformative Learning and Systems Change in Practice

The work of the three sub-committees spanned the six-month period beginning at the first retreat to the last retreat in January 2004. It was in these group discussions and forums for collaborative problem-solving that the bulk of the achievements in this initiative were made, both in terms of concrete products as well as in terms of institutional shifts in culture and practice.

The various deliverables developed through these sub-committees ranged from discrete technologies to more abstract mechanisms for governance. In producing each of these deliverables, sub-committee members demonstrated an extraordinary willingness to work beyond the boundaries of their usual responsibilities, and thereby brought to the tasks new kinds of perspectives, expertise, and resources. Perhaps the most concrete example of this was in the 'Discharge Planning' sub-committee's design and development of a new video to be used in introducing Rikers inmates to the available services and programs offered by non-profit organizations. Both the group's decision to undertake this project and its approach in doing so exemplifies the kind of knowledge and cultural exchange as well as sharing of accountability critical to any collaboration. The community-based provider representatives not only drew from their own experiences in client engagement (in non-institutional settings) to point out the flaws in the existing video, but also took up the task of designing and creating a new one. Few jail administrators around the country can provide comparable examples of community-based housing and service providers leading the effort to correct jail-based technologies and tools. Moreover, by identifying and seeking non-Corrections funding and personnel to create the video, these organizations crossed conventional agency and institutional boundaries to bring external resources to support DOC operations. Admittedly, this is not a highly sophisticated means of overcoming funding "silos," but is nonetheless a significant example of boundary spanning.

Without a doubt, boundary spanning was unexpected in the 'Discharge Planning' group, whose purpose was focused primarily on assessing and improving discharge planning practice on Rikers Island. Nevertheless, what could have been limited to discussions on improving coordination among service

providers in the City jails evolved into several key efforts that stand out as a model for how Corrections agencies might involve external partners in the reform of their institutions.

Perhaps the most noteworthy example of this was their attempt to define the fundamental yet elusive concept of discharge planning. At the second retreat, which was held on September 18th, three months after the first retreat, it became clear that the work of the three sub-committees had made significant progress on both immediate, short-term “fixes” (i.e. the Rikers programs video) as well as in development of a general, long-term vision for systems change. This broad vision was made manifest in the initiative’s official vision statement: “To develop a coordinated, multi-agency, multi-provider approach to re-entry that helps former inmates locate the housing, health, employment, and treatment services needed to successfully transition to the community. The approach is designed to reduce the number of former inmates who enter the City’s shelter system and/or return to DOC, the length of stay in both systems, and all attendant costs associated with these placements.”⁴¹

What remained missing from these achievements was a comprehensive and realistic intermediate plan that went beyond immediate technological or administrative improvements, but that would move the initiative closer to the long-term vision. In addition, the concept of discharge planning that would work for a City jail context remained to be defined. What was more, the initiative was gaining more attention both locally and nationally, and many were waiting in anticipation of the direction that New York City would take in improving its discharge planning process. Perhaps spurred by this increasing scrutiny and narrowing timeframe, Horn and Gibbs called a meeting of the three sub-committee chairs and asked them to discuss with their groups three questions: a) What does it mean to do good discharge planning?; b) What policies need to be changed in DOC and DHS in order to improve discharge planning? And what policies external to DOC and DHS need to be changed?; and c) How will we know if discharge planning works?

Each of the three sub-committees began discussing these questions. In particular, the ‘Discharge Planning’ sub-committee, which was focused primarily on DOC-related matters, charged itself with exploring the first question. Beginning with a traditional definition of discharge planning, drawn from a U.S. Department of Health and Human Services SAMHSA report, the group began assessing the state of discharge planning currently provided, taking inventory of existing discharge planning services, determining how such services were organized and structured, and identifying gaps in services. Such assessments were possible because of the range of perspectives in the sub-committee, which included experts on both jail-based services and conditions, as well as community-based services and entitlement programs. Through a series of ritualized deliberations that struck of “transformative learning” in action, the group gradually realized that traditional definitions of discharge planning, which involve preparing

⁴¹ Minutes from NYC DOC/DHS Discharge Planning Retreat II. September 18, 2003.

individuals for their return and linking them to services, were less useful in the context of New York City's jail system, where the population had a wide diversity of needs and where the majority of inmates were in and out in less than one week. Thinking through the various activities that currently comprised discharge planning on Rikers as well as the relative availability of community-based resources, the group decided that discharge planning was comprised of three models, each with different efficacy depending upon the target population, constraints in service delivery, and the availability of community-based resources. Ultimately the group opted to consider two models of discharge planning that had more relevance to DOC's institutional context: a) discharge planning that focused on a particular sub-population; or b) discharge planning that focused on one service need. Although such a retrenchment of expectations might be seen as a kind of defeatist resignation, it nonetheless reflected the degree to which institutional learning could take place through the cross-system exchange of perspectives and expertise. In this light, the move should rather be viewed as a remarkable achievement—an example of adaptation in the face of institutional constraints and limited resources.

Some of the most outstanding examples of boundary spanning in this initiative are found in the 'Interagency' group's efforts to overcome two of the most problematic barriers to preventing homelessness among people leaving City jails. Both of these barriers largely involved policies and practices external to DOC and DHS, but which had, it became clear, direct impacts on their institutions. The first of these barriers was the termination of benefits—public assistance and Medicaid—for people entering correctional facilities. Posing the premise that the termination of benefits for people entering jail frustrated successful re-entry into stable housing both by delaying financial and medical assistance to persons just released from incarceration, as well as by unduly terminating benefits for people who were released without convictions. The second of these barriers was the New York City Housing Authority's policy of denying public housing and Section 8 rental assistance to individuals with various criminal convictions (and their co-habiting families).

Scrutiny on these two barriers was nothing new; advocacy groups around the country have been advocating for changes to public assistance and public housing authority policies for several years. What was new was that the movement for reforming these policies was now coming from a collaborative effort *within* government, and moreover, reinforced by an analysis of how such policies impact other public institutions, thereby illuminating contradictions in policy. For if both the termination of public assistance benefits and the denial of affordable housing and rental assistance to formerly incarcerated people only furthered their involvement in costly emergency systems (i.e. shelters and jails), a policy review was clearly in order. Such analysis gave legitimate rationale for at least a consideration of reform beyond advocates' cries of inequity and social justice. Moreover, it focused the attentions of both Commissioner Horn and Commissioner Gibbs to become further aware of policies that negatively impacted their

agencies' outcomes, that is, by increasing the burden on the repository institutions they oversee. In Horn's and Gibbs' consideration of these reforms, government suddenly appeared less fragmented, not only communicating across systems and with other units, but also attempting to understand the system-wide impacts of policy decisions.

The attempt to analyze the impact of public assistance termination particularly on those individuals who had the shortest stays or "bids" in the jail system, spurred interest in exploring ways to prevent their admission to Rikers altogether, thereby decreasing DOC's costs and burden on capacity. Diverting these individuals from jail, it was determined, fell outside of DOC's role and jurisdiction, requiring reform and policy changes in the way courts determined conditions for release for those awaiting trial. The inquiry into jail diversion for "short stayers" brought to light yet another set of policies, this time resting with the courts, that was instituted and pursued without regard to system effects, the effects in this case being unnecessary short stays in DOC facilities that proves highly disruptive to people's lives and frustrating to effective discharge planning.

In the end, the ideas to reform these external policies proved to be a bigger task than anticipated. Conversations between the Commissioners, other members of the now ongoing process, and the other public agencies are continuing, and it remains to be seen whether reform of any sort will take place. Regardless of the immediate outcomes, the Commissioners and other participants in the planning process had achieved a new depth of understanding of the relationship between disparate public systems, and were moving towards a systemic approach to policymaking. Nowhere was this more evident than in the work of the 'Big Picture' sub-committee and their effort to reform the various "systems" that touched on jail re-entry as a whole. What began as a process of visioning around both the definition of success in re-entry and homelessness prevention, and a new mode of governance that moved beyond ineffectual and duplicative service delivery, would evolve into a concerted attempt to address the needs of the most underserved and high-risk group of individuals, as well as an unprecedented model for inter-agency problem-solving.

This effort, referred to as the 'Heavy Users' initiative, began with a data analysis that built upon previous matches between DOC release data and DHS intake data. This data analysis sought to locate the "heaviest users of both systems [who] utilize the most resources and are the least stable," by sorting out individuals who "had at least 3 episodes between DOC and DHS during the time period 2001-2002" where "the individual also had to have entered DHS sometime following a DOC discharge."⁴² Using this proxy definition, the data analysis identified 3,634 individuals who spent an average of 82 days in jail and 93 days in shelters over a two-year period—in other words, nearly 6 months worth of cycling between the

⁴² Department of Homeless Services. Draft document entitled "Summary of DOC/DHS Data Match." January 22, 2004.

institutions within a span of two years. The top 25% of these users were 909 individuals who each spent on average more than one year (397 days) out of the two-year period in both institutions! Case analyses revealed that many of these individuals cycled rapidly between jails and shelters, often staying little more than a few days at a time in either institution. With this groundbreaking data analysis, the ‘Big Picture’ group decided to embark upon both further qualitative and quantitative research on this sub-population, as well as upon the design of an initiative targeted towards these individuals that sought to end the cycle of incarceration and homelessness. Premised on the notion that homelessness was the primary factor contributing to their criminal justice involvement, the resulting initiative proposed a system whereby these individuals would be identified as “heavy users” upon entry to DOC and engaged by service providers, who would link them diligently and directly to community-based housing and services, designed to divert them from shelters, address a variety of service needs (mental health, substance abuse, etc.), link them to employment services, and ultimately, prevent their return to criminal justice involvement.

It may seem odd that the group assigned to develop the “big picture” framework for interagency collaboration decided to focus their efforts upon such a small though significant population. However, like the ‘Discharge Planning’ group’s redefining of expectations, this was not an acceptance of defeat in the face of complexity, nor did it bespeak a waning sense of ambition. On the contrary, the focus on “heavy users” was both strategic as it was a breakthrough. By choosing to focus on a problem that was shared by both DOC and DHS, the ‘Big Picture’ group sought to establish a common ground on which to explore the mechanics of collaboration between two or more City agencies. While most of the work of the other sub-committees focused on creating “fixes” that more directly tackled jail re-entry with the assumption that doing so would indirectly reduce homelessness, the “heavy users” problem was one equally important and pressing for both DOC and DHS. As such, solving this problem would necessarily require the efforts of both agencies working jointly and combining resources and expertise.

In a way, the ‘heavy users’ initiative epitomizes the kind of systems change that is the subject of this paper. For one thing, the identification of the ‘heavy users’ problem only reaffirmed that fragmentation had indeed made it difficult for agencies to understand social phenomena and needs in their complexity. Indeed, these individuals are the most obvious victims of the fragmentation between the criminal justice system and those systems designed to serve as a “safety net” to them, not to mention the most needy and thereby most costly to the City as a whole. Falling precisely in that no-man’s-land between these systems, the ‘heavy users’ problem was not only were difficult to address, but in fact remained largely concealed from the view of both agencies. With very short but frequent stays in the institutions of both DOC and DHS, many never staying long enough to actually be identified as an ‘inmate’ or a ‘shelter user’ or ‘homeless individual,’ ‘heavy users’ tend to be passed over by the services

offered by either agency, hence “falling off of the radar screen” of both agencies. In that way, the problem of ‘heavy users’—was precisely the sort of problem that could only be identified through frame reflection and transformative learning leading to an interagency “systems” analysis. Without the ritualized forum for focusing attention and expertise, such cycling could have easily persisted without the awareness of either agency, while continuing to steadily presenting a drain on resources for both.

Once identified, the phenomena of ‘heavy users’ also presented an opportunity to explore how the two government agencies (with the perspectives and assistance of other experts in the field) could create collaborative solutions that had mutual benefits for both. Here was a problem that truly belonged properly to neither agencies, and yet, at the same time belonged to both; what clearer grounds for systems integration could there be? Towards this end, the ‘Big Picture’ group specified outcomes that would be jointly pursued and to which both agencies would be held jointly accountable—homelessness prevention, recidivism reduction, improved individual health and long-term housing stability—as well as various mechanisms for interagency collaboration and boundary spanning—blended funding, data sharing, joint oversight, etc. In the end, the process would result in two innovations. First, the foundation was laid for a new programmatic initiative jointly pursued and supported by both agencies, and that would promise to end the cycle of homelessness and incarceration for some of the most underserved individuals. Second, a new approach to policymaking and problem-solving in government had been developed that involved not only the efforts of agencies working in collaboration, but also that used a “systems” view to inform policy decisions.

The Final Retreat

By the time of the final retreat, held on January 22, 2004, the participants in the process, divided within three sub-committees, had made tremendous advancements in increasing the engagement of jail inmates in programs, enhancing discharge planning service delivery and coordination, and increasing the access of non-profit service providers into DOC facilities. Among the concrete accomplishments both completed and in the works were: an updated and improved introductory and motivational video encouraging inmates of DOC jails to seek out services; a comprehensive directory of discharge planning services available on Rikers Island; a new and improved jail intake and assessment form that collected more detailed information on health, employment and housing needs; a proposal to create a telephone-accessible information system for released inmates through the City’s recently instituted 311 Citizen Service Center; and a piloted process whereby non-profit housing providers could use internet webcams to interview jail inmates for acceptance into their housing.

In addition to the formidable products resulting from this work, the participants’ knowledge of the issues surrounding jail re-entry and the risks of homelessness and recidivism had expanded

enormously. Even more importantly, the two City agencies that experience the effects of fragmented isolationist policymaking most immediately and acutely were now working in collaboration to tackle policy reforms and pursue joint programmatic initiatives. Horn and Gibbs had already begun engaging the New York City Housing Authority in conversations regarding a possible reconsideration of their automatic denial of public housing and rental assistance to people with criminal convictions, and the City Human Resources Administration regarding public assistance and Medicaid suspension or expedited re-enrollment.

Thus, by the third retreat, the majority of the needed changes and solutions had already become apparent. It was now a matter of prioritizing and developing a plan for following through with these proposed ideas. Collaboration between the agencies had resulted in an unparalleled exchange of perspectives and ideas to tackle what has been characterized as a “wicked” problem of complex dimensions. To be fair, many other collaborative initiatives between government agencies and between other organizations have also resulted in similar kinds of advancements and innovations. In fact, collaboration is arguably the chief means by which governments and systems adapt and progress. Yet too often formal collaboration remains as short-lived exercises or time-limited ventures that fail to result in lasting change. Therefore, perhaps as a failsafe against the waning of momentum, Commissioner Horn hired Kathleen Coughlin to newly created position of Assistant Commissioner for Discharge Planning. Her counterpart at the Department of Homeless Services would be Jody Rudin, whose position as Director of Entitlements in the Adult Services Division of DHS was expanded to include assistance with discharge planning and homelessness prevention among formerly incarcerated people. As she describes it: “One of my main functions at DHS is to build alliances to identify and plan for the long term needs of homeless individuals being released from the criminal justice system.”⁴³ The dedication of staff in each agency to focus on these issues indicated the degree of commitment to which the Commissioners undertook the process of change and reform.

This was further apparent at the final retreat, where the Commissioners committed themselves to continuing the collaboration, albeit in a different format. This process would continue with the selection and implementation of priorities selected by participants at the final retreat. In the end, six priorities were selected for implementation: “1) Address the needs of the heavy users population; 2) Establish continuity of benefits; 3) Enable short stayers to avoid jail when possible; 4) Improve information collection and data sharing; 5) Review, expand, improve and roll-out existing discharge planning programs at DOC; and 6) Bring in additional agencies as partners in this effort.” Created in a context of diverse and cross-system perspectives, these six priorities contain the possibility for lasting and far-reaching systems change. As Commissioner Gibbs has put it, “Change becomes a self-fulfilling prophecy if you are willing

⁴³ Interview with NYC DHS Director of Entitlements Jody Rudin, March 15, 2004.

and open to new ideas, and you focus on tangible results. These incremental achievements gradually lead to major changes. Progress is made by building on those incremental changes step by step.”⁴⁴

Incorporating Change into Practice through Boundary Spanning

The collaborative planning process undertaken by the New York City Departments of Homeless Services and Correction should be viewed as groundbreaking effort to overcome the fragmentation in government, of which homelessness among persons leaving incarceration is but one symptom. Indeed, fragmentation frustrates the creation of effective responses to addressing homelessness not just among people leaving prisons and jails, but also all those persons involved in other fragmented institutional systems, whose discharge from those systems places them on the verge of imminent crisis. The most salient group of people, and therefore the one most often mentioned in concurrence with formerly incarcerated persons, are youth aging-out of the foster care system. The patterns of fragmentation between the child welfare and social service and housing systems in all likelihood parallel closely those recounted earlier in this paper. In the case of the foster care system, homelessness emerges as a result of the chasm that exists between child welfare services and the range of services and “safety net” systems available to adults. Here the fragmentation is both about institutional distance as well as about hyper-categorization, where the simple process of aging leads to de-institutionalization. Like persons leaving correctional settings, youth aging-out of foster care are dumped from the custody of institutional care into the morass of fragmented social service systems, which may extend to them only if they are “lucky” enough to fall within one of the specialized categories of need. Because more often than not they are not so lucky, both groups tend to wind up in society’s “catch-all” category for people in crisis: homelessness.

Interestingly enough, as with people leaving incarceration, homelessness among youth aging-out of foster care has also largely evaded the notice of public systems. Like many formerly incarcerated people, young adults aging-out of foster care involvement tend not to become homeless or enter the shelter system immediately upon release from institutional custody, but rather become homeless after making unsuccessful attempts at finding employment, housing and stability on their own. This pause between institutional discharge and a return to institutional involvement tends to obscure the role that the discharging institution (i.e. foster care or corrections) has in contributing to homelessness, not to mention preempting the possibilities for interventions that might prevent homelessness. Had the link between institutional discharge and homelessness been identified earlier, attention and resources could have been focused on creating effective homelessness prevention strategies. The collaborative effort between DOC and DHS was an attempt to do just that.

⁴⁴ Interview with NYC DHS Commissioner Linda Gibbs, March 15, 2004.

Perhaps the most enduring achievement from this effort is the attempt to use a “systems” analysis and approach in social policy. Through the use of data analysis, DOC and DHS were able to understand the patterns of usage across their systems and the relationships between their systems. This enables them to not only better grasp the extent of the overlap in their client populations, but also helps to define their roles in the problem. In particular, the ‘heavy users’ analysis brought to light a group of people who appeared to most consistently and chronically wind up in both jails and shelters, and hence, who were most appropriately the “problem” of both DOC and DHS. Not only did this analysis graphically illustrate the problem, it also gave urgency to the need for collaborative solutions. Thus, the joining of the City’s Correction agency and homelessness assistance agency in assisting these individuals signifies a major triumph reversing the trend towards fragmentation.

Indeed, convening a collaborative initiative focused on the overcoming of “silos,” as it was framed at the first retreat, DOC and DHS set in motion a process towards systems integration that would both broaden the missions of both their agencies, as well as seek reform and change in other public agencies as well. This mission broadening was nowhere clearer than in the dedication of staff positions whose role would explicitly entail a boundary spanning role, as well as through the diverting of resources from normal emergency response operations to preventive solutions. In DOC’s case, the shifted resources went towards those activities traditionally known as “aftercare” that focused on intervening with individuals so as to prevent their involvement in jails and shelters. Boundary spanning had also begun in terms of both agencies’ increasing scrutiny of external policies that impacted their systems. While both DOC and DHS, as “have not” agencies, have pursued the practice of scanning the external environment (the “have” agencies) for resources and assistance, now such external scanning was focused on identifying and seeking reform in external systems and policies. The collaboration’s work in engaging the judicial system, the City’s public welfare agency, the Human Resources Administration, and the City’s housing authority, NYCHA, are the best examples of this.

The kind of boundary spanning that took place illustrates perfectly the distinction between mission “drift” and mission expansion. As this case study shows, the broadening of missions was neither about the aimless pursuit of disparate activities nor about a lack of agency focus. Rather, boundary spanning and the broadening of both DOC’s and DHS’s missions was conducted in a narrow, but strategic manner. Focused on a specific problem—preventing homelessness and recidivism for people leaving DOC facilities—DOC and DHS staff and leadership indeed pursued activities that were new and beyond the scope of usual agency practice, but that had direct relevance for their institutions.

Lessons for Creating Systems Change

What lessons can be learned then from this initiative to inspire the process of systems change in other systems and localities? More specifically, what were the conditions that allowed for this internally driven process of change to occur?

Some mention needs to be made for the unique conditions in New York City that complicate comparisons with other municipalities and public systems. First, New York is unparalleled in the degree to which litigation drives public policy. Students of policy and public administration in New York marvel at the intricate web of consent decrees that govern City services and practice on a day-to-day basis. And while many have complained about the overextension of litigation as a tool for policy reform, none can argue that such litigation has not forced the hand for reform in several important ways. First, the successful history of litigation and the critical mass of legal advocates, in addition to active media scrutiny, has played a significant role in shaping the context in which policy and governance is pursued. For the most part, the threat of litigation has tended to stifle creativity among Commissioners and other public officials, insofar as creativity requires taking risks. At the same time, it has likely also raised the bar, as it were, for the qualities of public leadership in New York, where incompetence in leadership is faced with serious consequences. Second, as both the Department of Correction and the Department of Homeless Services have experienced, the various consent decrees and settlements that result from litigation creates a sense of immediacy and urgency that limits the time and willingness of bureaucracies to be reflective and creative. As Horn has explained, previous DOC Commissioners have been focused both on responding to the dramatic rise in population and with compliance with consent decrees governing the conditions of City jails; it was only now that this was accomplished that Horn was afforded the “luxury” to seek creative solutions.

Despite its effects on the practice of public administration in New York City, litigation has led to advancements that, some would say, make possible the kind of systems change that took place through the collaboration. Without a doubt, the consent decrees that ensure both the right to shelter and the “right” of persons with mental illness in City jails to discharge planning are what creates the pressure and critical demand on the agencies to seek better solutions. The Callahan decree governing the right to shelter, for instance, forces the City to bear the burden of homelessness, thereby keeping it constantly focused on the presence and extent of the problem. At the same time, in the hands of an able leader, the Department of Homeless Services is compelled to seek ways to prevent the census from increasing beyond its capacity and management. Similarly, the Brad H. lawsuit that requires the City to provide various levels of discharge planning assistance to persons with mental illness held in City jails holds DOC and the City Department of Health responsible for ensuring that class members are offered treatment and services. This court mandate forces DOC to seek ways to better engage mentally ill inmates into services,

a concern that likely would have never received attention otherwise. More importantly, what these consent decrees inadvertently allow for is the kind of system analysis that is now taking place in both DOC and DHS. By forcing the City to bear the burden of the “externalities” that naturally arise through the fragmentation in public systems, the City is not only forced to seek better solutions, but is also able to understand how disparate and disjointed policies and agencies function as a system, albeit a dysfunctional one.

One factor at least seems to be the political environment. Both Commissioners have separately noted the importance of the current City administration in creating the conditions for change. Both have pointed to the Bloomberg administration’s delegating management style that rewards creativity and risk-taking. Certainly the various proposed and enacted agency mergers are an indication of the degree to which the administration favors reform, particularly of the sort that follows a business model of prospecting for efficiency. The merger of the Department of Correction and the Department of Probation under Commissioner Horn certainly set the tone for innovation and change, as well as for creative thinking and risk-taking to take place. Added to this reform-minded administration were the relative state of management and conditions in both jails and shelters, accomplished, as both Horn and Gibbs are quick to point out, by previous leadership in both agencies.

Gibbs and Horn seem to have capitalized upon this moment to seek innovation, exhibiting yet another important factor driving systems change: leadership. Participants in the collaboration have remarked at the rarity of collaboration between New York City’s government agencies at all, let alone between two that operate within different contexts and with very different mandates. This collaboration appears all the more extraordinary in that it was not imposed from a higher-level directive, but indeed through the initiative of the agencies’ Commissioners themselves. As JoAnne Page, one of the foremost leaders in the field of prisoner advocacy and services put it, “One of the key features of this partnership was that it was internally imposed, not externally...Both Commissioners care about outcomes and like solving problems, both are forward-looking Commissioners who are people-oriented and who like to push the envelope.”⁴⁵ Far from the stereotypical image of risk-averse bureaucrats, both Horn and Gibbs demonstrated a willingness to expose themselves to risk, despite the fact that neither agency is held accountable for such preventive efforts. This risk-taking was evident in their willingness to share agency data with one another as well as with the somewhat public audience of participants. Whereas the tendency is normally to function quietly and avoiding public attention, particularly in highly litigious and media-scrutinized environments such as that of New York City, Gibbs and Horn created a highly visible process, one might say even welcoming public involvement and scrutiny.

⁴⁵ Interview with JoAnne Page, The Fortune Society, March 8, 2004.

More convincing of their risk-taking leadership was in their inclusion of a diverse array of community-based non-profit organizations in the planning process, some of which have had a long history of advocacy around prison and jail reform as well as around homelessness. Clearly such inclusion was in their benefit: non-profit organizations provide the vast majority of discharge planning services on Rikers Island, not to mention provide the vast majority of community-based services and housing for homeless people in New York City. What deserves special attention here is the way in which the non-profits were involved—not merely as the front-line extension of government aims—but indeed as an important sector and indispensable component of public service functions. As Carol Shapiro observed, “The participation of advocates and non-profits in this effort seemed to energize DOC and DHS staff. I think the combination of external and internal partners in this initiative weaves a stronger fiber.”⁴⁶ In their participation in designing jail-based programs, as well as their role in reforming policies and designing interagency public finance models, non-profits were recognized as partners with government.

My own experience as a representative of a non-profit organization chairing the ‘Big Picture’ sub-committee in this initiative was no different. Working alongside a diverse assortment of experts—including high-level DOC and DHS officials, along with leaders in the fields of health, homelessness, employment services, and prisoner advocacy—I witnessed a remarkable process of deliberation and cultural exchange. Through many laborious discussions, this group arrived at consensus on a policy direction that managed to incorporate a far-reaching vision of systemic outcomes, while focused on a specific and well-defined population: the heavy users. Indubitably, the diversity in the group was both a bane and a boon to arriving at consensus around this priority. On the one hand, those non-profit leaders accustomed to designing and implementing services and housing tended towards a more “realistic” target for system change, focusing on mechanisms for public refinancing and program implementation. Others, including the advocates and reformers participating in the process, called for broader reforms, drawing attention to the problematic nature of criminal justice policy writ large. In the end, it was the very combination of moral imagination and practical “know-how” that allowed the group to identify both the population priority and a programmatic direction that would have wider implications for systems reform. Diversity of perspectives, when achieving a state of “transformative learning” proved a critical element to overcoming traditional modes of analysis and practice.

Conclusion

In this paper, I have told two stories. The first story is about systems and structures, isolation and fragmentation. The second is about organizations and people, learning and adaptation. It is no accident that these two stories differ so strikingly in terms of their character and tone. Such bespeaks the contrast

⁴⁶ Interview with Carol Shapiro, Family Justice, February 14, 2004.

between the kind of forces that led to post-incarceration homelessness and those forces that might begin to address it. The story of homelessness among formerly incarcerated people is a story about institutions, about the institutional distance that has been created between the prison or jail and community life, about fragmented social service systems that frustrate the creation of lasting and far-reaching solutions, about policies made and practices pursued in isolation and without consideration for the system “externalities” that are in actuality people’s lives and fortunes. On the other hand, the story of the process of overcoming these institutional failures to prevent homelessness among people leaving incarceration—New York City’s collaborative effort around discharge planning—is about people, about people with diverse sets of experiences and expertise, about reflection and transformation, about shared accountability, and a movement towards a “systems” approach to rational policymaking and governance. Like with so many social problems, the nature of the solution contrasts starkly from the nature of the problem.

This is not a pessimistic story. On the contrary, it is one that above all affirms hope and faith in the ability of public systems and increasingly prominent independent sector to truly and effectively understand and address social problems in their full complexity. To that end, my story tends to overstate the sense of the possible. Moreover, to talk of systems integration is not to meant to imply that such systems should extend to all spheres of life, nor that it is possible for such systems to mirror completely the richness of social life. The problem of re-entry and the problem of homelessness, in all of their dimensions, are both unique and distinctive problems of their own, but at the same time, ones that have their roots deep in older and larger social and political problems. As Kim Hopper rightly observes, solving homelessness or chronic criminal justice involvement “will mean returning...to first principles and foundational questions...[T]he old questions never went away.”⁴⁷ Poverty, racial inequality, urban disinvestment, the limits of family structure, contests of space and territory in neighborhoods, vast divides between the politically franchised and those with no political voice—these are problems that will rear their ugly heads in different forms even with the most responsive and thoughtful public policies and systems. My hope is simply that these new manifestations will not achieve the kind of resigned complacency that has accompanied homelessness, one of the most enduring emergencies in this country’s history.

With this realization, it makes sense to point out some of the limits of the DOC/DHS joint initiative for truly preventing homelessness among formerly incarcerated person, if only to fan the flames for further efforts towards reform. First, as an effort focused solely on the relationship between jail discharges and homelessness, defined as shelter involvement, the initiative fails to capture both the astonishing number of persons leaving state prisons who become homeless, as well as those individuals leaving both prisons and jails who never end up in the shelter system, but succumb to street homelessness,

⁴⁷ Hopper, 217-218.

or persist in unstable arrangements. State prison discharges to New York City are believed to represent a higher proportion of shelter users than City jail discharges. This demands that efforts to prevent homelessness among formerly incarcerated people be extended to include the State corrections and criminal justice system as well. Furthermore, the challenges of documenting the cycling of people between correctional institutions and street homelessness should not deter efforts to tackle this problem as well. More than likely, individuals who may never enter the shelter system but wind up street homeless or even unstably housed after incarceration find themselves involved in other institutions to a notable degree. The groundwork that has been laid to understand the institutional overlap between jails and shelters should therefore be extended to understand interactions with the state prison system, as well as to understand the impact of the cycle of incarceration and homelessness on neighborhoods, families, and children.

It is clear that the initiative was never about systems integration in its entirety, nor about overcoming fragmentation in all of its forms. Accordingly, fragmentation persists and will likely do so throughout government. ‘Tough on crime’ policies will likely continue to be pursued that favoring incarceration and institutionalization over community reintegration and recidivism prevention, just as social services will continue to be organized by need categories that bear less and less relevance to social needs in reality. Housing policy will largely remain focused on the “bricks and mortar,” and on ensuring the viewing priorities by an assessment of “market failures.” More importantly, public and social policy in each sector will continue to be made with little regard to system-wide effects, and with continual investment in emergency responses that cost more in the end than their solutions. Meanwhile, non-profits will continue to patch together the various categorical funding streams to develop community-based solutions like supportive housing, which remains one of “the most successful ideas in American social policy in two generations.” Adapted to various contexts, supportive housing integrates fragmented systems, albeit through a laborious process, to deliver services in a manner that most closely resembles the dynamic of individual life, and yet remains in the realm of “social experiment.”⁴⁸

Perhaps the important result of this initiative is the model it provides for how agencies can work collaboratively to strategically integrate those fragmented systems towards effective solutions. Like the process of supportive housing development, the initiative began with a needs analysis (e.g. the data match) to identify a population in need (‘heavy users’ or ‘short stayers’), attempted to determine the ingredients for successfully intervening to end the pattern of institutional involvement (‘housing-based services’ or ‘criminal justice sanctions’), sought to pull together the various elements needed to create such interventions (services, providers, sites and partners), thus necessitating interaction with disparate

⁴⁸ Debbie Greiff, Tony Proscio and Carol Wilkins. “Laying a New Foundation – Changing the Systems that Create and Sustain Supportive Housing.” Report of the Corporation for Supportive Housing. July 2003., 5.

agencies (NYCHA, HRA, judges, etc.). It was no surprise that so many of the individuals in the room were themselves developers and providers of supportive housing, who possessed the valuable interdisciplinary fluency to perform such environmental scans of fragmented systems. Like supportive housing, the initiative alone was incapable of overcoming decades of fragmentation in government. Yet what emerged was a real governmental movement towards rational and deliberative policymaking, led by those very agencies that served as “dramatic indicators” of the presence of institutional failures, towards viewing the needs of individuals in their entirety, and towards picking up the pieces of our fragmented social policy to forge a new system that will prevent and end homelessness among people leaving incarceration.