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Lower Crime Rates and Prisoner Recidivism

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Lower Crime Rates and Prisoner Recidivism

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Précis

Statistics indicate that there are an alarming number of people in prison. According to the Bureau of Justice Statistics, there were 2,293,157 people held in federal and local prisons in 2007. What is more alarming is that, research has indicated that two-thirds of inmates released will be re-incarcerated in the three years following their release (McKean and Ransford, 2004: 8). This is known as recidivism and it is a problem in our society as it affects communities, families, and public safety. The transition from prison life back into society is not simple. Ex-offenders must find a residence, purchase life's necessities, and locate a job. These activities are harder for ex-prisoners than the average person because many prisoners have not been rehabilitated, developed skills, or obtained an education while in prison, and have not received adequate transitional services upon leaving prison. The current strategies to reduce recidivism include constructing more prisons and harsh sentencing. These methods have proven to be ineffective. This research focuses on the specific reasons why recidivism occurs at such a high rate, and how it is a problem for communities in terms of cost and violence. In addition, this research analyzes current solutions to reducing recidivism, why they have not been implemented, and proposes solutions that will reduce the recidivism rate.

Society's problem with prisoners and the recidivism rate had intrigued me in my sophomore year at Pace University, when it was one of the topics of study in a class I had taken called Crime and Public Policy. I discovered that the recidivism rate was greatly affecting many communities and families and that scholars knew the solutions, but our policies did not reflect what these scholars deemed would be effective. I was interested in learning why our society wanted prison to be like a "business" and was willing to pay

huge amounts of taxpayer's money on prisons rather than trying to fix the problem in a different way. In addition to being exposed to this problem in class, I witnessed the problem of recidivism at large at my internship at the Federal Probation Office in the Southern District of New York. Meeting the probationers, hearing about their difficulties, and seeing some return to prison, is much more shocking than learning about recidivism in class. It made me see that these people and communities need help and that they lack the resources that they could really benefit from. Ex-prisoners need positive community ties, places they can refer to for support, and rehabilitative services.

To conduct the research, I combined knowledge that I gained in class, personal experiences, and my experience at my internship at the probation office to fully explore the problem. What I discovered throughout my research is that there are more effective ways of supervising ex-offenders and reintegrating them into the community. Prison activities and post prison activities need to be linked, along with the use of transitional programs that would help ex-prisoners obtain jobs, attend counseling, and remain drug and alcohol free. Harsh sentencing and the construction of more prisons will no longer be effective in reducing the high recidivism rate. Reentry courts, that are designed for offenders who are about to be released, will set goals for a reintegration plan based on an offender's individual needs starting at the sentencing stage all the way through post-release. These issues need to be brought to the public's attention. Slowly our government is beginning to understand the need to address these concerns as is evidenced by the revision of the draconian Rockefeller Drug Laws and their replacement with drug courts. Future research should be directed at Reentry Courts and the role of specific rehabilitation and reentry programs designed to reduce recidivism.

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Section 1: Introduction

The United States is in the midst of a crisis with regards to criminal recidivism. It is estimated that about two-thirds of inmates, will be re-incarcerated in the three years following their release (McKean and Ransford, 2004: 8). Recidivism can be specifically defined as the relapse of an individual into criminal activity based upon re-arrests for new offenses that lead to incarceration (2004:8). Recidivism is also associated with the term reentry, which is the process of releasing prisoners into society defined as: “How we plan for inmates’ transition to free living including how they spend their time during confinement, the process by which they are released and how they are supervised after release-is critical to public safety” (Petersilia, 2003: 143). Reentry is often termed reintegration since it includes the preparation of the family, community and, victim for the prisoner’s release. Recidivism threatens public safety and is damaging to the communities in which these prisoners reside. In addition to the threat of crime, tax dollars are spent in arresting, prosecuting, and incarcerating re-offenders, when it could be spent on effective programs to aid prisoners. It is a vicious cycle in which the communities become devastated as well as the families of these offenders (McKean and Ransford, 2004: 8). A recidivism rate of about two-thirds shows that offenders are obviously not prepared in prison for integration into society, as they have not been provided with effective programs to assist them in constructing a positive life upon release. There have been a variety of proposed solutions to aid in decreasing the amounts of recidivism in the areas of education, vocational training, and drug, alcohol, and mental health counseling. Scholars have also proposed decreasing the construction of new prisons, and the redesign of programs, which involve probation and parole. There are

many reasons why these proposals have not been implemented, but lack of funding is a major cause. Other non-governmental agencies may also be needed to reduce this severe problem. This research will suggest criminal justice policy alternatives to reduce the level of recidivism.

Section II: The Reasons for Recidivism

In order to improve criminal justice policy with regards to recidivism, there must be an examination of the causes of the high recidivism rate and why prison becomes a revolving door for many individuals. With a recidivism rate of approximately sixty-six percent, we consider the possibility that prison exacerbates the problem. When prisoners are released they are not prepared to deal with the outside world. A typical offender leaves prison without any savings, no entitlement to unemployment benefits, and very few employment opportunities. In 2001 the National Institute for Literacy revealed that 7 out of 10 prison inmates function on two of the lowest levels of prose and numeric literacy, which means that they are unable to fill out a job application, read a bus schedule, or calculate a price discount (Petersilia, 2006: 165). Prisoners are often released with only a bus ticket and a small amount of cash (Donziger, 1997b: 149). It is up to them to choose a place to live, to buy basic goods and services, and to find a job. They are isolated and alone. Most prisoners do not have transitional case managers, so they must strive for success with few resources (Petersilia, 2003: 7-8). Without the tools to build a successful life and with the stress of trying to “make ends meet,” many prisoners resort to crime. How are they expected to succeed if they cannot even read or perform simple math calculations?

Society’s current approach to combating criminal activity is to “get tough” on crime. This has proven to be ineffective in reducing recidivism. Offenders are entering the prison system with even more problems than prisoners of prior years. There have been increases in child abuse, family violence, the spread of infectious diseases, homelessness, and a general lack of community resources. There were 2,293,157

prisoners held in federal and local prisons according to the Bureau of Justice Statistics (BJS) in 2007 and in some circumstances incarceration becomes a normal state of living (Bureau of Justice, 2008). The normalcy of prison life impedes socialization and the effectiveness of using prison as a crime deterrent. This leads to higher crime rates and victimization when these offenders re-enter communities (Petersilia, 2006: 462). For these reasons, rehabilitative services are sorely needed, as recidivism is not reduced simply by harsher sentencing. The effects of harsher prison sentences can even increase the chances of recidivism, which was demonstrated in a recent research study in Canada:

The overall findings showed that harsher criminal justice sanctions had no deterrent effect on recidivism. On the contrary, punishment produced a slight (3 percent) increase in recidivism. These findings were consistent across subgroups of offenders (adult/youth, male/female, white/minority). (McKean and Ransford, 2004: 14).

In addition, longer prison sentences only make adjustment to society more problematic upon release. It becomes increasingly more difficult to obtain employment and offenders become alienated from their families and the community. Offenders may also experience the long-term effects of prisonization, which is also referred to as prison socialization. This prison subculture is characterized by the fear of other inmates, socializing with those who have criminal orientation, being hostile towards staff members, and increased rage based on aggressive treatment (Howells, 2000: 3-4). Often the results of prisonization and adaptation to long-term imprisonment can lead to depression, anxiety and mental breakdowns (Travis and Petersilia, 2005: 353). In some instances inmates endure abuse and end up in solitary confinement for bad behavior, which only breeds rage. For example, in a high-security prison in Washington, an inmate was stripped naked, placed in full mechanical restraints, and was locked in a quiet cell with the lights on for 24 hours

a day. In addition, he was not permitted to exercise outside of his cell for 5 years (Donziger, 1997a: 35). Abuses such as these make inmates more hostile and bitter towards society, which arguably increases the rate of recidivism. The prison atmosphere is survival-of-the-fittest, where one cannot show vulnerability. Some inmates even learn more about crime (Howells, 2000: 3). The general population is being protected by the prison system because these criminals cannot commit crimes in the outside world while they are in prison. Ultimately, this protection is temporary and misleading since upon the prisoners' release, their violent and enraged attitude will be mainstreamed into society at large.

It is often difficult to measure recidivism due to its broad definition and differences in the duration of the measured monitored period. For instance, states differ in the amount of time measured for an ex-offender to recidivate. The states' measurement range for recidivism ranges from one to twenty-two years. Most use one to three years. Three years is the most commonly used time period since it documents the most serious re-offenders (McKean and Ransford, 2004: 11). Therefore, it is difficult to get an accurate measurement of those who recidivate since state-by-state data collections procedures differ. Recidivism is not always specific to the crime that was committed; rather, it is influenced by many factors that are often difficult to measure. However, it can be generalized that young, black males, who live in urban settings are more at risk of recidivism. Lack of education and employment also increases the chances (Recidivism in Connecticut, 2001). Although recidivism is not specific to the crime that was committed, it is normal to hypothesize that the factors which first influenced a person to commit

crime will influence the person to repeat their behavior. They may even commit a different crime, but the triggers are likely to be the same.

Recidivism research documented by Connecticut concluded that those who commit property crimes such as burglary and larceny have the highest rate of re-offending and re-offend sooner than other criminals. For individuals with substance abuse problems or lack of work experience, the recidivism rate is even higher since their crimes are committed to support their drug habit or basic subsistence (Recidivism in Connecticut, 2001: Criminal History para. 1). A violent offender is more likely to have an extensive criminal career. Research in criminal behavior indicates that many offenders will stop committing crimes between ages 26 and 34. This is difficult to measure since many crimes go unreported or unsolved (2001: Criminal History para. 3). Sex offenders and the mentally ill are in completely different categories of recidivism, and are more likely to re-offend due to their mental conditions. For this reason they should be separated from the general population of those who recidivate.

Section III: The costs of recidivism

In the year 2007, about 2,293,157 people were incarcerated within federal and local jails in the United States (Bureau of Justice, 2008). Since 1995, the prison population has increased by 3.7 percent. Only a small amount of prisoners serve life sentences, so it is estimated that 97% of inmates will be released into the general population (McKean and Ransford, 2004: 12). More troubling is that two-thirds of these continue their criminal activities. This state of affairs endangers communities around the United States as Heather MacDonald states:

A Justice Department study of 15 states found that prisoners released in 1994 had been charged by 1997 with the following crimes: 2,900 homicides; 2,400 kidnappings; 2,400 rapes; 3,200 sexual assaults; 21,200 robberies; 54,600 assaults, 13,900 other violent crimes, and over 200,000 car thefts, burglaries, and drug and weapon offenses” (qtd in McLean, 2004: 8)

Based upon the statistics, it is evident that the recidivism rate is highly threatening to public safety. Many prisoners often return to the impoverished communities that they had once resided in. These communities becoming breeding grounds for fragmentation and exert a negative influence for other residents. Characteristics such as poverty, ethnic composition, and residential instability by the influence of crime create a “tipping point” in the neighborhood. This means that a neighborhood is no longer able to positively influence the residents through the creation of an infrastructure that promotes social cohesion. Migration in and out of communities occurs because those who do not want to live in crime infested communities and can afford to move out, making these communities more isolated and depressed. With a lack of positive influences, young people must become “street smart” in order to survive. As crime becomes a way of life,

people take what they learned in prison and continue to practice it when returned to mainstream society (Petersilia, 2006: 466).

In addition to public safety and deteriorating communities, the high recidivism rate requires increased expenditures on law enforcement and corrections agencies. There are many levels in the justice system where money is needed for offenders besides prison services. For each individual that is a repeat offender, the community incurs costs for arrest, prosecution, and incarceration. The “get tough” on crime approach has increased the amount of prisoners; thereby increasing the economic cost to process them. In addition, Travis explains that as of 2001 the cost of imprisonment for the United States was \$44 billion a year, while it was only \$9 billion in 1982 (2001: 4). The average cost of incarceration for an adult male who committed a felony is about \$30,000 a year (McKean and Ransford, 2004: 13). This money is being used for new employees in the criminal justice system and for the construction of new prisons since our current policies favor incarceration rather than programs to rehabilitate offenders. The budgets of some agencies are problematic since the increase in the rates of incarceration is not evenly distributed in America’s communities; unfortunately, the poorest communities of color are affected most by the high rates of crime and recidivism. These communities already face the problems of poverty, crime, disinvestment and a lack of social services (Travis, 2002: 2).

One of the main problems in prisons across the United States is the overcrowding that resulted from the increasing number of people arrested and incarcerated. Officials are increasing the size of many institutions through expansion projects, using double bunking, and most importantly new construction (Merlo and Benekos, 2005). In

California prison construction costs were enormous since they have built 21 prisons since the 1980s. Growing correctional budgets have been the pattern in most states in recent years (Petersilia, 2001: 4). In order to build and maintain these prisons the government has to secure revenue from public funds, pay for construction, maintain the facilities, pay staff and personnel, and pay for health care, which is often expensive for elderly inmates. All of the money spent in these areas is at a cost of diverting funds from programs intended to rehabilitate prisoners and reduce crime (Merlo and Benekos, 2005).

Section IV: Solutions to the Problem

As the United States has used mass imprisonment as a major form of crime control, the result has been two million people behind bars with problems that cannot continue to be ignored (Mauer and Chesney-Lind, 2002:1). Many people do not realize what the possible consequences of an arrest are. The American Bar Association reveals the surprising results of what can possibly happen when an offender is sentenced:

[The] offender may be sentenced to a term of probation, community service, and court costs. Unbeknownst to this offender, and perhaps to any other actor in the sentencing process, as a result of his conviction he may be ineligible for many federally-funded health and welfare benefits, food stamps, public housing, and federal educational assistance. His driver's license may be automatically suspended, and he may no longer qualify for certain employment and professional licenses. If he is convicted of another crime he may be subject to imprisonment as a repeat offender. He will not be permitted to enlist in the military, or possess a firearm, or obtain a federal security clearance. If a citizen, he may lose the right to vote; if not, he becomes immediately deportable. (Mauer and Chesney Lind, 2001: 5)

These repercussions have been labeled “invisible punishment”, since they are the effects of policies that have negatively impacted the families and communities of offenders (Travis, 2002: 1). Ross and Richards strongly feel that ex-convicts need employment, housing, and someone to believe in them in order to successfully reintegrate into society. However, at the same time Pollack believes that employment, housing, family adjustments, and the influence of old friends keep offenders from a successful reintegration (qtd. in Kethineni and Falcone, 2007; 40).

The number of prisoners without a basic level of education is alarming. Seventy percent of all people in state correctional facilities have not completed high school. Out of this group sixteen percent have had no high school education at all (Frolander-Ulf and Yates, 2005: Importance section, para. 7). In addition, forty percent of inmates are

functionally illiterate, which means reading at or below a fifth grade level, and nineteen percent are completely illiterate. In the population of adults in America, twenty-one percent are functionally illiterate and four percent are completely illiterate. These data indicate education can decrease the chances of committing crime, since those in prison tend to be less educated compared to the rest of the population. In fact, studies show that education and recidivism are related because inmates with at least two years of college education have a ten percent re-arrest rate, while the national re-arrest rate is about sixty-six percent (Reducing Illiteracy section, para. 2). In fact, one prisoner in a college education program explains how education is a positive step for inmates and that it can deter recidivism:

I believe college education within a penal environment is not only a valuable tool for the prisoner in gaining self-esteem and confidence, as well as future employment, but it is advantageous to society at large. A college educated prisoner has a greater capacity to function within a social context once integrated, the ex-convict, educated at a taxpayer's expense, becomes a taxpayer instead of being a burden on society (police investigation, prosecution, incarceration, parole supervision, and in many cases recidivism). He/she now can function as a productive member of the community. Education is one of the best investments a society can make within a penal setting. (Frolander-Ulf and Yates, 2005: Reducing Illiteracy section)

Dedicating funds for educational programs and positive tools for reentry makes the offender less of a burden to society in the future.

Education provides the basis for employment, which is crucial since it allows offenders to become self-sufficient and avoid involvement in criminal activity. Petersilia explains that employment is important to an offender's feelings of self-confidence, which is important in preventing recidivism, "Employment helps ex-prisoners be productive, take care of their families, develop valuable life skills, and strengthen their self-esteem and social connectedness" (Petersilia, 2003: 112). Lack of employment is one of the

major reasons for committing crime. Those who are employed have a routine and schedule, remain responsive to their employer, and have an individual role in society. Without these influences, the temptation to commit crime is greater. As the recidivism rates rise, more offenders are not employed full-time before incarceration. A survey from the BJS explained that in 1972, sixty-two percent of prisoners were employed full time before they were incarcerated. By 1997, the number was fifty-six percent (2003: 120). One reason for this drop in employment is the increased competition for fewer and fewer low-skill jobs.

The statistics show that it is difficult for ex-convicts to obtain employment, but when they have substance abuse or mental health issues, it is increasingly more difficult. When compared to the regular population, the chance of mental illness and substance abuse is much higher among those incarcerated. For instance, the rate of mental illness including schizophrenia/psychosis, major depression, bipolar disorder, and post-traumatic stress disorder is as much as four times higher than the regular population. In addition, it is estimated that eight to sixteen percent of inmates have at least one disorder that requires treatment (McKean and Ransford, 2004: 17). Both substance abuse and mental health issues bar employment and relate dramatically to increases in recidivism (2004: 15). Substance abuse in itself is illegal activity and many offenders with drug problems often commit crimes to obtain money for drugs. Some experts even claim that 50 percent of crimes are drug related and about 36 percent of offenders report to using alcohol at the time of their offense. In 1998, the percentage of people arrested in 35 different cities, who tested positive for drugs, ranged from 42.5 to 78.7 percent (2004: 16). Drug treatment programs and other rehabilitation programs in correctional facilities have been

successful in reducing recidivism. For example, the study “The Effectiveness of Correctional Rehabilitation,” conducted by Francis T. Cullen and Paul Gendreau from 1973-1987, showed that many prisoner rehabilitation programs reduced recidivism from ten to thirty percent. Effective programs included family therapy, early intervention, and substance abuse counseling (Cei, 1997: 65).

There are also other factors that can deter recidivism and crime which includes community involvement, the power and self-esteem that results from the support of family and peers, and the influence of religious institutions (Currie, 1990: 499). If prisoners can be provided with adequate and high quality rehabilitation programs that incorporate these issues, then recidivism would likely decline. In addition, about fifty-nine percent of police chiefs supported the idea that sentencing drug users to court supervised treatment programs is more effective than sending them to prison or jail (Rubinstein and Mukamal, 2002: 37). Besides rehabilitation, offenders released with substance abuse issues need to be able to work and maintain their families, meaning they need access to public benefits like welfare, food stamps, Medicaid and public housing (2002: 37).

Once prisoners are released back into society, parole and supervised release can aid them in reintegrating successfully. Donzeiger (1997b) explains the many functions of parole:

Though often misunderstood, parole serves a number of important functions. It allows the government to supervise offenders after release to help minimize the risk that they will commit new crimes. While in prison, it motivates offenders to follow the rules and take part in programs (successful completion of such programs usually impresses the parole board). People who are incarcerated with no possibility of parole have less incentive to take part in treatment programs and respect other inmates or guards. (148)

The function of parole and probation officers is crucial because the inmates released are being supervised at the time when recidivism is most likely to occur. These officers have the task of trying to prevent offenders from committing crime again, by monitoring them through curfews, personal contact, drug testing, and employment. Funding is often limited in this area of the criminal justice system, which causes stress on officers who often have to supervise an unreasonable amount of cases. The offenders need attention in order to successfully reintegrate and there are some departments that are trying to make supervised release more successful. The Federal Probation Department in the Eastern District of New York has created a program that makes officers and managers accountable for the rates of recidivism among their clients. The department's analysis is based upon Compstat meetings used by the NYPD, in which crime patterns are analyzed and precincts are held accountable. Using this model and having greater accountability produced reductions in recidivism that were estimated to be between 10 and 20 percent (McKean, 2004: 22).

Popular programs among correctional facilities are faith-based programs. Usually, all prisons have a least one prison chaplain who is available to meet and talk with inmates. These programs are important and beneficial in reducing recidivism because of the connections they create with the community. The credibility of these programs help inmates reintegrate into the community and makes residing citizens feel protected. One program called the InnerChange Faith Initiative in Minnesota, Iowa, Kansas, and Texas addresses recidivism by Christian worship, offering up to 16 hours of religious worship a day, seven days a week. There is also educational instruction with daily prayer and Bible study. The communities are also able to participate in this

program as members of local churches become mentors. The program alone has produced reductions in recidivism of about sixty percent. Recidivism reductions are high in these types of programs because inmates self-select in terms of program participation, which potentially makes the data biased (McKean, 2004: 23). Nonetheless, the programs are another successful alternative to reducing recidivism.

Section V: Implementation Issues

Scholars have proposed many ideas that influence correctional institutions and other agencies in ways that would reduce recidivism; however, the recidivism rate still remains high because of a lack of funding and poor policy choices. Programs do exist in various areas and levels of government and in the non-profit sector; yet, budgetary pressures result in many of these programs being severely under funded or discontinued. In order to save money agencies search for “quick fixes,” which ultimately fail to have an impact on reducing recidivism. Jeremy Travis explains that money is directed to other areas, when it could be used for programs to aid offenders:

Yet the phenomenon of prisoner reentry is fundamentally different today. These prisoners have been incarcerated for longer periods of time. Fewer of them have participated in education, job training or drug treatment programs as corrections agencies have scrambled to pay for new prisons and more corrections officers. The probation and parole agencies that have traditionally been responsible for assisting them in their transition from detention to freedom have suffered budget reductions, causing caseloads to rise. These agencies have also experienced a crisis of identity, as they struggle to simultaneously provide surveillance and services. (Travis, 2001: 2)

Consequently, recidivism has not been the main concern and as a result of current policies and a lack of resources, communities struggle to support ex-offenders. The public fails to understand that the proper treatment and rehabilitation known to reduce recidivism is not being fully implemented. It can be prevented, but policies are causing more offenders to recidivate (Merlo and Benekos, 2005: No quick fix section, para. 3). On a daily basis the media relays examples of heinous crimes to the public, and fails to focus more on the more positive aspects of society. Although horrible crimes are committed, the media presents them disproportionately. The crime rate then becomes

sensationalized, which causes the public to be focused more on strict punishment rather than searching for ways to effectively reduce crime such as rehabilitation programs.

Unfortunately, when programs are available to aid prisoners, they tend to be ineffective and incomplete. Many prisons try to incorporate GED programs and other forms of educational assistance. However, there have been changes in policy that reduce prison education programs because in some states more money is being spent on building prisons (Frolander-Ulf and Yates, 2005). For example, in 1967 prisoners were able to apply for Pell Grants for college education when Congress enacted Title IV of the Higher Education Act. Yet, in 1994 the Crime Control and Law Enforcement Act cut these Pell Grant programs and ended many other prison education programs. Before the Crime Control and Law Enforcement Act there were 350 higher education programs in 1990, but in 1997 there were only 8 (Frolander-Ulf and Yates, 2005: Cutting Student Loans section). A Louisiana prison worker explained the situation at the prison he worked in by stating that there are 4,600 people housed in the prison and only 240 people are offered vocational training (A Low Priority section, para. 2). These numbers are alarming because what are prisoners doing in their time if programs are not available? Even if someone wants to become a better person while they are in prison, chances are that they will not be able to get into one of these limited programs. Once again, the destructive cycle will continue because these people will not be able to find jobs when they are released and are more likely return to the streets to make money only to be arrested again

Horizon Academy, a high school education program, for 18-21 year olds, is a prime example of how dysfunctional some prison programs have become. There is only one guidance counselor and most of the students are in special education. Only 5 out of

27 teachers have been trained in special education and most of the students are never able to complete their studies because they are transferred to other prisons. Class is also frequently interrupted by a variety of prison procedures (Frolander-Ulf and Yates, 2005: A Low Priority section, para. 2). The policies at Horizon Academy are poor and have not helped to decrease the recidivism rate.

Scholars have also stressed the importance of employment and its relation to decreasing recidivism; yet the current policies are barring many ex-offenders from obtaining employment. There is high competition for low-skill jobs, which are often the most appealing and attainable for ex-offenders. The current welfare policy is increasing the competition for these jobs even more: “The 1996 welfare reform law, the Personal Responsibility and Work Opportunity Reconciliation Act, imposed a five-year lifetime limit on welfare benefits and required welfare recipients to work to receive benefits” (Petersilia, 2003: 120). Although this policy is giving incentive for poor people to work, these policies make it more difficult for ex-convicts to get jobs after their release. Even if ex-convicts do receive a minimum wage job, it will be very difficult and stressful for them to support a family and live above the poverty level.

The welfare reform law also has other provisions that make life more difficult for ex-offenders. For instance, there is a lifetime ban on eligibility for Temporary Assistance to Needy Families (TANF) and food stamps for those with drug felony convictions. A person who was convicted for armed robbery can receive assistance while a person convicted for a drug possession felony cannot. In addition, there are no exemptions from this provision; pregnant women, individuals with HIV/AIDS, and people who are in treatment or recovery cannot receive assistance (Rubinstein and Mukamal, 2002: 41).

The label of being a criminal affects people who want to improve their life as a woman in treatment in Atlanta states:

‘Thank [goodness] all my convictions were before [19]96 or I wouldn’t be able to get TANF...-even...being in treatment, getting my life back together. They don’t take that into consideration, that maybe you were astray, and now you’re getting your life back together. They don’t care...I know there are some women out there struggling, trying to get their life together...because there is no way out because of your past’. (2002: 41).

Besides receiving assistance, welfare reform also affects offenders who wish to apply for public housing. Law enforcement agencies provide the information from background checks as more housing agencies require that prospective tenants undergo background investigations. The agencies also target those with drug problems because they may obtain access to the applicant’s drug treatment records (2002: 45). When people are excluded from public housing, it makes it more difficult for families to reunite once the offender is released. More problems occur when they cannot receive the assistance that they truly need. As of 2001, a total of forty-three states have enforced the ban and out of these states only twenty-one have modified it (2002: 42).

Besides welfare reforms making it more difficult for ex-offenders to obtain employment, public assistance, and public housing, the attitudes of employers are also another barrier to ex-offender success. A survey explained by Holzer in 1996 stated that in five major US cities sixty-five percent of all employers would not hire ex-offenders, regardless of their offense (as cited in Petersilia, 2001: 5). A major reason why ex-convicts are not hired is trust. Even if employers knew their convictions had no direct relation to the requirements of a job, ex-convicts are automatically viewed as less trustworthy than the average person. Even if they are hired, many employers will give them seasonal or temporary employment since trustworthiness is not as valued for such

work (Petersilia, 2003: 116). Although this temporary employment is better than nothing, once it is over, the ex-convicts have to go through the whole experience of getting a job again, while probably encountering the same situations. By not being able to get a job, they will likely recidivate again because they could not support themselves financially. Negligent hiring is also another legal issue that contributes to this problem. It occurs when an employer fears that the person will commit a new crime making the employer liable for the employee's criminal acts. This can include punitive damages and liability for losses. If the government would insure employers against this type of financial loss or legal liability, then ex-convicts would be more likely to be hired (Petersilia, 2003: 117).

Obtaining background checks and criminal records also prevent ex-convicts from receiving jobs. It is very important to maintain public safety by using criminal records, but the availability of these records is damaging. Although the odds are against them, ex-convicts who have actually made progress in jail are still unlikely to receive a job due to the transparency of their criminal record. Many employers will not even make an effort to interview or talk to someone who has indicated a conviction on their application. About eighty percent of major US companies now do background checks compared to fifty-six percent in 1996 according to a survey of personal executives. Negligent-hiring, company theft and terrorism are some of the reasons. Background checks are also becoming more affordable for today's employers due to technological advances. It costs about \$25 to \$100 for a search (Zimmerman and Stringer, 2004: B1). Technology also has drawbacks because some of the information in the FBI's state registries has been inaccurate and shared with employers (Petersilia, 2003:

108). It is a problem because someone who had a misdemeanor could have a felony on his record on the computer. This would prevent this person from getting a job even more and he may not even be aware of the computer's mistake.

Background checks have greatly affected many ex-convicts. For instance, Peter Demain served a prison sentence for six years as a result of possessing 21 pounds of marijuana. While in jail he worked in the prison kitchen and became a very successful baker. When he was released, he filled out 25 applications at bagel shops, coffee houses, and various other stores. Every place rejected him and when some places learned of his conviction they asked him to leave immediately (Zimmerman and Stringer, 2004: B1). This man actually acquired a skill and was successful with it, but all the places dismissed him down because of his conviction. The conviction really has nothing to do with his trustworthiness at work because he was not convicted of a capital crime. Now this man will have to get money by any means, which could result in recidivism. Another ex-convict that was affected by background checks is Jeffrey Calwise. Calwise was convicted for unarmed robbery and provided his criminal history on his job applications. After not receiving any jobs, he decided to lie about his past. Yet, this had a negative effect because he was fired from his factory job that paid only \$6.50 an hour, when they discovered his criminal record. After this incident, when asked about criminal history, he began writing "will discuss at interview" on the application. Calwise was not hired for any jobs. He explained that he had received some interviews and that most employers believed he was a fairly intelligent man, but he was not hired due to his criminal record (Zimmerman and Stringer, 2004: B1). Once again the policy on background checks are preventing people, who actually have ambition, from getting a job. However, one way to

ensure an employer that an ex-convict is prepared for work would be to provide them with a “certificate of rehabilitation” or another certificate to ensure that they completed vocational training or transitional services (Roulet, 2004: Strategies and Ideas sect.). This certificate must indemnify the employer from criminal and civil liability resulting from hiring the offender. This may ease employer’s feelings about hiring an ex-convict, since they would have documentation rather than only having the ex-convict’s word.

Another barrier to employment is proper identification. Many prisoners are released without ID cards, social security cards, birth certificates, and driver’s licenses (Roulet, 2004: Pre-release Barriers sect.). These are necessary tools for being successful in the “real world” because it is difficult to secure employment without them. Prisoners need pre-release programs to aid them in obtaining these documents and verify their credit (Roulet, 2004: Strategies and Ideas sect.) Since lacking these tools only results in the inability to receive employment, it can possibly lead to homelessness. State prisoners are often incarcerated far from home, so it is more difficult for the family to help them obtain jobs or housing (Petersilia, 2003: 121). With an increasing number of prisoners being released in an inefficient manner, these ex-convicts create clusters, usually in urban communities. Often these communities lack access to jobs and other resources that provide a healthy and safe environment (Lynch and Sabol, 2001: 19). These neighborhoods are often the result of the broken window theory as explained by Wilson and Kelling in 1982. The theory states that when a building has many broken windows and is not repaired, then no one will want to move in. This can be compared to communities who have ex-convicts that have not been rehabilitated and do not have jobs. For instance, more crime, prostitution, graffiti, and homelessness will spread. These

negative aspects to the community act as “broken windows,” resulting in a decrease of thriving businesses, job opportunities, and law-abiding citizens (as cited in Petersilia, 2001: 5). These ex-convicts, who have limited opportunities, will feel even more helpless and take part in crime, which is why it is crucial for transitional services to help them obtain jobs and residence in better communities. Prisoners also feel further alienated from community involvement when they are denied the right to vote. In 1998, 3.9 million Americans were denied the right to vote due to a felony conviction and 1.4 million were African American (Petersilia, 2001: 6). It is crucial to have community involvement and active engagement of residents to improve the conditions of the community. Preventing ex-convicts from voting is not helping this situation (2001: 6).

The changes in parole policy are a cause for the increase of parole violators being admitted into prison. In the mid-1970s many inmates were serving indeterminate sentences, for example, 10 years to life. A parole board had the discretion to keep the inmates in jail or to release them. Release was earned using this policy because offenders received parole only if they had community ties and were rehabilitated. If judges felt they were not ready to be released, then they would remain in prison. Many people opposed the discretion that the parole board had, which caused determinate sentencing to become policy. However, discretion and case-by-case decisions are necessary because everyone reacts differently to prison. Prison can cause psychological break-downs, depression, mental illnesses, and reveal other unrecognized personal problems. Having a discretionary parole board would be able to adjust a prisoners release dates based on what is best for him or her (Petersilia, 2001: 3). Yet, the use of determinate sentencing still exists and is thought to make sentencing more consistent between offenders. This had

not occurred and has not increased the length of time an inmate spends in prison, like people believed. Studies have also shown that offenders who are automatically released or have mandatory release due to determinate sentencing, have higher failure rates and consist of fifty-nine percent of released prisoners (Petersilia, 2003: 74). In California, about 125,000 prisoners are released yearly once they have served the determinate sentence given by the court. No parole board determines if they are ready to be released (Petersilia, 2001: 3). How are these offenders supposed to succeed if they have been in prison for so long? Longer sentences create a loss of ties with the family and the community. More troubling is that most correction officers do not feel that it is their or the state's responsibility to prepare those who will be released unconditionally without parole. They believe that they have no obligation to notify their family, help them get a job, find drug and substance abuse treatment, or secure housing (Travis, 2005: The Reintegration Process Section, para. 5). Most likely the offenders that these officers do not feel responsible for will be in control of them again because these beliefs make offenders more likely to recidivate. Churning will continue to be a cycle if these policies do not change.

Another problem with parole and probation is that it has concentrated more on surveillance in recent years. In the past, parole officers focused on counseling ex-convicts and used community resources to help them make a successful transition. Common techniques that are used now do little to help rehabilitate and instead identify failures, which include drug testing, electronic monitoring, and house arrest (Petersilia, 2003: 4). Technical violations rather than new crimes are the cause of most failures because of these surveillance policies (Lynch and Sabol, 2001: 14). Parole violations

should be considered, but why does the system believe that offenders should finish the remainder of their parole sentence in prison. If a technical violation is not a serious crime why should offenders have to return to prison; a place that will only make them more bitter and violent. Since policies do not appear to be changing, Travis suggests that these individuals should be sent to local jails to show offenders that parole violation is not acceptable (2005: Conditions of Release section, para. 4). Surveillance is also used because parole officers cannot provide sufficient supervision. The majority of parole officers supervise over one hundred offenders, when the ideal is about twenty to thirty. Minimal attention is the result, and it does not protect public safety, help ex-convicts change their lives, or reduce recidivism (Donzeiger, 1997b: 148). Petersilia explains that the high recidivism rates are a result of current policy:

Of course it is important to remember that more than eighty-five percent of all parolees are on caseloads where they are seen less than twice a month, and the budget available to support their supervision and services is generally about \$1,800 per offender-even though effective treatment programs cost much more than that. In a sense, we get what we pay for, and as yet, we never chosen to invest sufficiently in parole or reentry programs. (2003: 140)

Based on Petersilia's conclusion, money is not being directed in the places where it is needed the most. It is most important to supervise ex-convicts immediately following their release because they are most likely to recidivate during that time. Travis explains that if the government would increase funding towards parole and community based support networks, the chances of a successful transition into society without recidivism would be greater. The funding would be able to provide transitional housing, employment, drug treatment, medical attention, and family counseling (2005: The System at Work section, para. 1). Unfortunately, our policies are failing to do this and

many offenders continue to recidivate

Section V: Conclusion

Most the prisoners from the “get tough” on crime era in the 1980s will be released now or in the near future (Petersilia, 2001: 3). This is threatening to public safety and the well being of society since the criminal recidivism rate is about sixty-six percent.

Inadequate and ineffective reentry programs and policies that still remain in effect contribute to the high recidivism rate. In some communities the prison experience is considered normal and unavoidable; however, it is not too late for change. It is important for those who have committed crimes to be punished and imprisoned for a period of time, but it is even more important that their management while incarcerated it well planned. There needs to be more effective ways of supervising ex-offenders and reintegrating them into the community. The construction of new prisons and longer sentences will not reduce recidivism. Prison activities and post-prison activities in the community need to be linked. Transitional programs should help prisoners obtain jobs, attend counseling, and remain drug and alcohol free. If an ex-convict violates parole they should not be sent back to the state penitentiary, instead they should have some deprivation of liberty (Travis and Petersilia, 2005: 361). The best interests of the ex-offender should also be considered because prisons that do not provide beneficial programs contribute to the problem of recidivism and increased crime rates. New crimes should be prosecuted, in their own right, than as a violation of release. Reentry courts could aid in this process, because they would be effective in forming a relationship between sentencing and setting goals for a reintegration plan unique to each individual (2005: 361). Ex-convicts should also not be deprived of the essentials that will allow them to be successful in society. This includes having proper identification, a driver’s license, access to social security,

health care, and housing. It is the responsibility of the correctional agencies and the community to aid ex-convicts in obtaining these essentials (2005: 362). Reducing the recidivism rate is an achievable goal, but not without the proper investments in programs directed toward the reduction of the problem. It is up to our leaders to acknowledge these problems, bring them to the public's attention, and implement action for the well being of society.

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