

Recidivism and Social Justice
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Abstract

The Second Chance Act of 2007 introduced provisions to approve a grant program to help offenders re-enter the community as a part of the Omnibus Crime Control and Safe Streets Act of 1968. The reason was to improve on planning for reentry, implementation of the program, and other miscellaneous purposes. Depending on the program, government agencies (state and local), Indian tribes that have been federally recognized, and nonprofit agencies could be approved for eligibility. As responsible stewards, society is accountable for laws and punishments and also benefits from them when they are applied correctly. Because of this, society should also bear some of the responsibility for helping the convicted return to their neighborhoods or any welcoming neighborhood without further sanctions from society. Some types of policies should be in place to reduce victimization and set up a level playing ground for returning offenders that have better endings and lead to reduced recidivism rates.

Keywords: Social Justice, law enforcement, recidivism, reentry, society

Recidivism and Social Justice: A Model for Change

On July 5, 2018, the National Reentry Resource Center highlighted a story about a Second Chance Act recipient named Byron Davis. Mr. Davis was nearing the end of his prison sentence at the Limestone Correctional Facility near Huntsville, Alabama and was beginning to prepare for “life outside of prison.” During his interview, Mr. Davis emphasized the importance of seeking conventional employment opportunities that will help him reintegrate into society. More specifically, Mr. Davis participated in a pre-release program, that provided him with an opportunity to seek counseling services, goal setting, and strategies for seeking employment. In fact, according to Mr. Davis, securing employment was the first task on his list as he strongly affirmed how he did not want to return to the streets selling drugs. The problem is that oftentimes, ex-offenders are not provided with pre-release and follow-up resources like Mr. Davis has. This is not surprising since our criminal justice system, universally, functions as a crime control model, which means that the primary function of corrections is not to rehabilitate offenders but to incapacitate those who have violated the law. However, due to the underrepresentation of ex-offenders in the workforce because of their criminal history and the high rates of recidivism, correction agencies are becoming more aware of the need to create programs to help newly released offenders integrate into society. While there is no “universal” system or approach to strategically integrate ex-offenders into society, the state of Iowa has developed a strategic plan to address re-entry and recidivism.

The extremely high recidivism rates across the country has created opportunities for states to receive grants to address the issue. As mentioned, the state of Iowa has taken advantage of this funding and proposed multiple ways to reduce recidivism. More specifically, administrators leading the project aim to follow four general principles dedicated to the improvement of the

corrections system, which includes, (a) data collection and management; (b) use of risk and needs assessments; (c) organizational development, and (d) quality improvement (National Reentry Resource Center, 2018).

A Model for Change: The Second Chance Act

When compared to other industrialized nations, the United States has the largest amount of individuals in state prisons, local jails, federal prisons and jails, and incarcerated youth (Wagner & Sawyer, 2018). What is more, it is estimated that there are approximately 2.3 million people in 1,719 state prisons, 102 people in federal prisons, 1,852 juveniles in correctional facilities, and 3,163 in local jails (Wagner & Sawyer, 2018, p. 1). The problem is that these individuals will eventually get released from these correctional facilities and will have to seek employment and integrate into society. To address these challenges, many state correctional administrators are seeking assistance through grants and federal funding to address the problem. For example, The Second Chance Act was adopted into law on April 9, 2008. One major function of the act is to address the growing concern of newly released prisoners and the likelihood of recidivism. When the act was enacted, studies predicted that within three years two-thirds of the released state inmates would be reincarcerated for a serious misdemeanor or felony. The Bureau of Justice Statistics (2004) added that the costs of corrections rose from nine billion dollars in 1982 to almost sixty billion dollars in 2002, a span of twenty years.

The Role of Family, Factors of Incarceration and Recidivism

The Bureau of Prisons posits that the more profound the connection between the inmate and his or her children and family, the more likely that person will serve shorter sentences and stay away from negative influences. Additionally, research has shown that released inmates feel that the family unit is the most underestimated source for encouraging ex-prisoners to avoid any

more jail sentences. What is more, studies have also shown that approximately fifteen to twenty-seven percent of inmates will have nowhere to go once they are released from prison. Many of them will end up in homeless shelters or living on the streets. A growing concern within the discipline of criminal justice is generational incarceration. Children who had a parent in jail rose from nine hundred thousand to about two million from 1991 to 1999. This is also true among juveniles. There are almost one hundred thousand juveniles leaving prisons annually. A juvenile is a child who is seventeen years or younger. The rate of recidivism for juveniles released from secure confinement is about fifty-five to seventy-five percent, and chances are with transition programs and assistance, they will reenter society successfully.

Substance Use and Abuse and Recidivism

Drug violations have contributed to the overwhelming and disproportionate of incarcerated individuals. According to Bureau of Justice Statics, time in federal prison fifty-seven percent more likely to use drugs before going to jail as compared with seventy-percent of state prisoners. In fact, according to the drug treatment literature, treatment programs that are centered around the family have been successful in rehabilitating women and men who have abused drugs and had children. For example, in (2004), the Substance Abuse and Mental Health Services Administration tracked a group of female inmates who were mothers and found that sixty percent of the women continued to be drug and alcohol-free while the related offenses fell from 28 to 7 percent. Then, in 2003, the findings from a residential treatment facility revealed that six months after treatment ended, 60 percent of the mothers stayed clean and related arrests fell 43 percent. During this time, the children who were in treated along with their mothers were also stable. It was also noted that one-third of all prisoners suffer from some mental or physical disability while 25 percent have been treated for mental or emotional problems at some point. Successful

reentry programs are the key to effective returns to the community as they must have close relationships and communication with program advisors.

Literacy and Abuse and Recidivism

Literacy is another problem that must be handled for successful reentry into society. The National Institute of Literacy stated seventy percent of inmates' function at the lowest levels of the literacy scales. Of the general population, only thirty-two percent have graduated from high school or have attended higher education. Before going to jail, thirty-eight percent of the inmates who had eleven or fewer years of high school were unemployed and even though it has been proven that educational opportunities in prison help to reduce recidivism, the number of inmates who participated in the programs dropped more than eight percent between 1991 and 1997.

Transitional programs for employment have been successful in reducing recidivism while helping ex-prisoners with returning to work and society. However, findings from the National Institute of Justice also suggest that nearly sixty percent of ex-prisoners are not employed one year after release from prison.

A Model for Change: Fighting Recidivism

Drug Rehabilitation

The crack cocaine epidemic and the war on drugs significantly contributed to the disproportionate number of individuals incarcerated for their involvement in drugs. Thus, in 2004, there were more than 1,000,000 people incarcerated on drug charges in the United States. This number is significant because the number of people in prison in America for drug offenses was greater than the number of people in Western Europe serving time for all criminal acts, even when Europe has larger general population. The first war on drugs turned into a war on families, public health, and the constitutional rights of citizens. Although some scholars have claimed that

nothing can be done to rehabilitate prisoners, recent ones have concluded that community-based programs can be useful in the reduction of recidivism. Intensive programs that focus on the offenders deemed high-risk for at least six months is the most effective method of rehabilitation when paired with therapists and learning methods that are matched to the inmate (Seredycz, 2010).

Education-based Rehabilitation

Proper social justice crime-fighting tools are education-based rehabilitation programs. It has been proven that if offenders are afforded the opportunity to participate in substantive and intellectual education programs, they are less likely to re-offend after they are released. Education-based programs are not meant to be soft on the inmates, but to make sure they get the most out of the program. In 2005, statistics of recidivism was taken from 30 states. These statistics showed that 67.8 percent of state prisoners totaling 404,638 were reincarcerated within three years after release from prison. The number rose to 76.6 percent within five years. In 2010, there were 1,617,478 inmates in state and federal custody and approximately 767,620 in city and county custody totaling 2,385,098. Within ten years, the inmate population increased by 607,987. The surprising part of these statistics is that even though the prison population is rising, crime is decreasing and was at a 30-year low in 2010.

Society members, as responsible stewards, have to accept their place in providing educational opportunities for offenders. Some people believe that not having an education is not an automatic road to committing crimes and does not make criminals good people. However, education is one area where it has been proven that it leads to the need for less disciplinary actions in prison, more access to employment opportunities after release, and fewer instances of recidivism after inmates are released from jail. Life skills, cognitive-behavioral, GED, secondary and post-secondary

education programs have also been consistent in proving the positive effects that lead to employment after release and less chance of recidivism. There is also a link between secondary and post-secondary education and higher earning potentials (Normore, 2012).

Juvenile Rehabilitation

If juveniles are not presented with opportunities for rehabilitation, that is a disservice to the individual and the community. Continuous stereotypes of young criminals show them as animals and monsters who are unworthy of the public's support. Many times, the blame for the actions of the child falls on the family. Some children are born into lives of crime or gang affiliations. Some have to live with the fact that one or both parents are behind bars. Young people who are living lives of crimes sometimes have no control over their circumstances. For example, they may be exposed to trauma, poor academic engagement, victimization, mental health issues, and family problems. The things these children go through are flying under the radar because there is not much research on the subject, and because many of these problems are ignored by society.

One research strategy that was used on juveniles was called Photovoice. This strategy was used to show that no matter how oppressed a person felt, he is still capable of making critical assessments of his environment. The juveniles were allowed to take photographs of their surroundings as they would in a documentary. The first participants were three young men who had been marginalized throughout their lives. Each was given a camera once they were released from prison and required to meet for eight weeks to talk about their pictures and life experiences. The goal was to understand not only the juveniles but also the communities in which they lived. By the end of the project, the youth were able to see themselves differently and allowed them to recognize the path to self-discovery (Shannon, 2013).

Reentry and the Second Chance Act

Incarceration rates were typical in the eighties and nineties and are mainly responsible for the problems with returning prisoners to the community today. Almost everyone who goes to prison is released at some point since the average prison stay is less than three years. Once released, they go back to small, poor, urban communities and to the same social problems they left behind. After the money is taken away from education and therapy programs, they go back home with the same problems they left with but are now also carrying a criminal record. Once they are back, the community experiences more crime, drug abuse, homelessness, and are a burden on social services agencies who are already lacking in resources.

The Second Chance Act (SCA), passed by the House of Representatives, approved approximately three hundred and forty million dollars' worth of grants to be used over two years by state and local governments and Indian tribe authorities. The most substantial portion of the SCA totaling fifty-five million dollars per year was allocated to projects for adult and juvenile offenders. The state, local, or tribal agencies who received the grants had to show their strategic plans for community reentry that included measurable operational results with proof of the potential for a fifty percent recidivism decrease over a five-year time span. More employment educational and housing prospects are other performance measures that must be included in the plans of the recipient. There has to be a collaboration between the recipients and corrections, housing, child welfare, health, education, drug abuse, victimization, employment, police organizations, and put together task forces of various agencies geared towards community reentry. Twenty million dollars were also allocated to state and local courts specializing in reentry which were modeled after the drug courts that have been implemented in the last fifteen years. The SCA places its priorities on the legislative aspect for the reduction of recidivism not

only as an object to be achieved by police agencies and the courts. Instead, the bill addresses the planning, help, and continuity convicts need when they are returning to the community. The primary goal of the SCA is challenging the idea that the only way to reduce recidivism is by warning threats and requests for services for former convicts, not in small resentful ways but methodical, practical manners (O'Hear, 2007).

Successful Second Chance Reentry Programs

Many states have enjoyed successful programs because of the SCA. There are ***Demonstration Grants*** that help state and local agencies by providing funds to assist with the reintegration into society for those who have been incarcerated. The funds can be used for services that include: drug abuse treatment, family counseling, mentoring, employment, housing, victim and others that promise a smooth transition from prison to the community. There are ***Mentoring Grants*** for nonprofit agencies that mentor adult inmates and offer services for the conversion back into the community. ***Offender Re-entry Substance Abuse Treatment Grants*** are used to expand the accessibility of substance abuse treatments for adults and juveniles. ***Family Drug Treatment Programs*** authorizes grants to develop and apply family-based therapy for parents who have minor children. The ***Federal Re-entry Initiative*** gives guidance to the Bureau of Prisons for assisting inmates who are about to reenter the community such as information on employment, finances, health, and other community resources. ***Re-entry Research*** gives authorization for organizations such as the National Institute of Justice and Bureau of Justice Statistics to perform research connected to reentry. Finally, the ***National Adult and Juvenile Offender Re-entry Resource Center*** funds national research centers for collection and distribution of information about best practices and training and support for the re-entry programs. Of these programs, sixty-five million dollars per year is allocated to the Demonstration Program and fifteen million dollars

per year are assigned to the Mentoring program (DOC Offender Management & Rehabilitation, n.d.).

Oregon

The State of Oregon is said to have one of the most successful community reentry programs for prisoners with one of the lowest recidivism rates. The purpose of Oregon's Second Chance Act is to help the growing number of inmates who are going back into the community. Currently, Oregon has 1.7 million prisoners in their federal and state corrections facilities with millions more going in and out of jails yearly. Of those prisoners, ninety-five percent of those numbers will be released. A report of recidivism for Oregon was published in 2016 which followed prisoners who were released from prison and who began sentences for felony probation during the first half of 2013. The report found that of those who were released, 17 percent went back to jail on felony charges within three years. Forty-two percent were convicted of a new misdemeanor or felony within three years, and 55 percent were incarcerated for new crimes in general within three years of release from prison. Of those prisoners who began sentences for felony probation, 13 percent went back to jail for new felonies within three years, 41 percent were convicted of a new misdemeanor or felony, and 49 percent were sent back to prison for a new crime within three years.

Michigan

The State of Michigan has been recognized nationally for its corrections programs aimed at reducing recidivism. Michigan started using the Second Chance Act and the Prisoner Reentry Program in 2005 and released a report in 2012 citing their statistics for prisoners who were released from prison between 2005 and 2007. The Michigan rates of recidivism for three years decreased by eighteen percent. Michigan officials made significant investments in the program

by allocating funds for employment, transition support, and housing to give them the best community-based assistance they could need. At the end of the three years, the expected returns of prisoners were 862 less than anticipated (Marlan, 2012).

Missouri

In 2016, Missouri and fourteen other states started working on laws to advocate for erasing or sealing criminal records related to arrests and proceedings. The reason for the legislation would be so that arrest records would not hamper people from getting jobs because of low-level offenses. Past mistakes should not be a barrier to employment when the offender has completed rehabilitation. For nonviolent felonies, offenders were required to wait for twenty years; and for misdemeanors, offenders had to wait for ten years before their records could be deleted.

Reforming the legislation would pave the way for felonies to be reduced to five years and everything else would be reduced to three years.

The Missouri Department of Corrections feels the best way to stop or slow down recidivism is to assist rehabilitated offenders in searching and securing jobs because unemployed offenders and those who were employed part-time faced higher recidivism numbers than offenders who found full-time employment after release. Missouri's Second Chance in Action Program (SCIA) helps women offenders uses common approaches to help women face the challenges that will meet them when they return to the community. The Second Chance Act grant helps to cover the costs for a case manager and an employment specialist, a re-entry specialist, project director, district administrators, law enforcement officers, parole officers, and grant coordinator. The Department of Corrections matches the funds granted by the SCA. Services are also contracted for social services programs. The SCIA starts working with women approximately three months before they are to be released from prison and continue to provide services for about 120 days

after they are released. By 2013, the program has already assisted 74 women, starting with the first client on February 22, 2011, and expected the number to rise to 80 by the end of the grant period which was September 30, 2013 (Willison, 2013).

Problems with Recidivism

One problem with recidivism stems from the issue of mass incarceration rates in the United States. It is a fact that many minorities are sentenced to mandatory minimum prison times for minor drug offenses. It may not be the same as Jim Crow, but it is very similar (Alexander, 2012). The problem is the number of Americans who are sent to prison, not the number of those who go back, some multiple times. When the United States only accounts for five percent of the world's population, it is a problem that the U.S. also has twenty-five percent of the world's prison population. That number can be reduced by limiting the number of offenses that require mandatory prison terms. The original purpose of prisons was to serve punishments for those who committed crimes and still is, but prisons have to accept responsibility for rehabilitating those in their custody. Otherwise, the prison is no more than a revolving door for the convicted.

Rehabilitation programs have been proven effective. These programs reduce recidivism rates and are cheaper than the cost of caring for repeat offenders. The problem comes in when society objects to funding the programs because they feel the prisoners are being pampered.

Reintegration is hard enough for prisoners without having to worry about finding jobs or getting assistance once they are out. Between 1985 and 1995 laws were passed that rendered inmates ineligible for social programs such as public assistance and housing. Not only that, if an offender was convicted of a felony, even if it was a drug crime, that person was barred from jobs that included teaching, security, home health, and nursing. There were so many restrictions, after

being released from jail, a lot of offenders felt their only way to survive was to return to illegal activities, which increased their chances of returning to prison.

A clear understanding must be established to explain why people go back to jail. It is no surprise that some people become institutionalized and start to prefer a life behind bars whether consciously or subconsciously. If there is an apparent reason people go back to prison, programs could be developed to keep the rates of recidivism low. First, the rates of recidivism have to be understood across the board; then it will be easier to figure out what prisoners need for rehabilitation. There are programs effective in reducing the rates of recidivism such as community-driven, supervision, education, and treatment. All of these programs help the returning prisoner with more employment opportunities once released. One step that can be put in place is to stop mandatory minimum sentences and to uphold programs such as "First Offender" that gives suspects a chance to change their lives before they have to spend time behind bars. The final issue for those reentering society is the public. The way the community views punishment and rehabilitation dictate the importance of the level of protection against the returning offender as opposed to accepting them back into the community with social and treatment programs to make sure they will not want to recidivate (Gleeson, 2017).

Conclusion

According to a report from the National Institute of Justice, the SCA is a long way from being finished. Even though many states have had positive outcomes, there is no proof that participation in the program affected the range of reentry endings for some applications such as drug use and compliance under supervision. There was a positive aspect such as increased access to social services and programs designed to improve community partnerships; however, participation had no significant bearing on the reduction of recidivism.

The diversity of the programs will be necessary for empirical research projects and discussions on policies and practices. In the future, the criminal justice field will have to focus on setting attainable goals with realistic expectations for successful community reentry. Innovation and data-driven methods geared toward successful reentry must be embraced and supported as the framework for change in the criminal justice system. To better understand who is most expected to re-enter the community successfully, there must be constant engagement in and support of demanding assessments of reentry programs that are likely to work. Finally, concerns for public safety and decreased criminal behavior has to be linked to the policies and procedures put in place to shape the long-term outcomes of reentry programming (Lessons Learned from the Second Chance Act: Moving Forward to Strengthen Offender Reentry, 2018).

Since there is the possibility of release for more than ninety-five percent of people incarcerated in state prisons, there is an imminent need to have initiatives in place to help these people successfully reenter their communities. There is also a dire need to support approximately 60,000 juveniles housed in detention and corrections centers to help them avoid returning to a life of crime and to become productive members of society. Congress did its part in 2008 when the Second Chance Act was passed as a response to the needs of the offender and society. With the help of the community, the SCA programs can use diverse approaches to tackle the rates of recidivism while doing everything it can to guarantee public safety.

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