

Reviewing recidivism in the criminal justice system criminology essay



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Recidivism, in the criminal justice context, is most simply defined as a relapse into criminal behavior (Merriam-Webster Online, 2010). Once a convicted criminal has served his or her time and is released from incarceration, in a perfect world, they would never return. One might assume that having lost all individual liberties, a person would do everything within their power to not ever be in that predicament again. However, against all logic, this is not always the case. When an ex-convict reoffends and is incarcerated again, he or she has then become a recidivism statistic. So the question is, " Why does this happen?" Does not the thought of untainted freedom appeal to these individuals? Secondly, does society have a role in ensuring these released prisoners have the skills necessary to progress forward as productive members of society; never to return to the prison system? Whose responsibility is it to ensure those who walk beyond the prison wall do not return? And third, with the number of people in prisons and jails (in America) at an all time high, these are questions that beg to be answered.

Since the burden of financing prisons falls upon the American tax-payers, it is of benefit to them to invest in efforts geared towards reducing recidivism. All of society has a large stake in keeping offenders out of prison, which in turn decreases the amount of new prisons which need to be built, staffed and funded. With that said, in order that the issue of recidivism be addressed, all involved parties must ultimately agree upon the best course of action. Many in the correctional field erroneously assume that what works to reduce re-offending rates for one individual may work for all. Thus, many programs in place today utilize a standard approach for the masses; recalling

one instance in which that particular approach was successful. One side states the best approach to reducing recidivism is more discipline; harsher sentences and longer prison stays. Yet another faction may stand behind the various rehabilitation approaches which include: diversion programs, half-way house stays, treatment programs while incarcerated, work-release programs, substance abuse programs and 12-step programs to name a few. Furthermore, an additional barrier to any approach is the responsibility of correctional facilities to prove 'what works', via statistics and the like to enable such programs to be funded. So, what really works?

Those in the criminal justice community (and scholars in general) make great claims as to what is most effective at reducing recidivism. Every political party, prison administrator, police officer or correctional officer has their own personal analysis on the matter. Nevertheless, as with any concern, before mapping out a solution the problem must first be properly identified.

Unfortunately, recidivism is plagued with a number of unique problems which contribute tiny parts to the whole. One great contributor is the fact that many of the prisoners, before even becoming incarcerated, cannot read or write, have very little job skills, have anti-social behavior problems and may even be mentally unstable? With these issues comes the instigator of little to no treatment. Are the correctional institutions able to address these issues or are they simply ignoring them in the spirit of simple incapacitation? Although there is scientific evidence that rehabilitation really does work (even if only part of the time), many stake their claims on harsher punishment; retribution. Yes, there has been controversy regarding previous research based on conflicting definitions of recidivism and faulty statistics.

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Even so, exact definitions or not, the greatest harm to date is the application of a “one size fits all” approach. In this paper I’ll review the various schools of thought and outline programs in use today. Secondly, I’ll summarize the programs and approaches which seem to garner the attention of experts, via empirical evidence and scientific research, as possessing the greatest hope for reducing the rates of recidivism; even if only slightly.

REHABILITATION

Criminal justice policies were not always as punitive as they are today. During the 1950’s and 1960’s, most Americans held the optimistic view that offenders could be reformed and that it was the responsibility of the criminal justice system to do so (Pager, 2007). This mindset reflects society’s tolerance and sympathy at the time. During this period the Federal Bureau of Prisons emphasized rehabilitation as a correctional tool for use in Federal prisons. This “Medical Model”, a term by which the rehabilitation movement was referred, placed offenders through treatment programs which included counseling, education and vocational training (UNICOR, 2010). Prisoners were taught vocational skills, attended educational courses, completed high-school course work, and in some instances received college degrees. Rehabilitation was a key part of the United States policy on incarceration and prisons in general (Benson, 2003).

Another implicit motive for these rehabilitation efforts was the fact that a large majority of the prison population suffers from mental illness. This reality is no secret. Inmates, because of their risky lifestyles, poor access to health care, and substance abuse, are less healthy both physically and

mentally (Petersilia, 2003). According to a Bureau of Justice Statistics Report, in 1997 an approximately 347, 000 prisoners, both state and Federal, reported having a physical impairment or mental condition (Maruschak & Beck, 2001). The severity of these illnesses can range from mild mental issues to severe illness such as schizophrenia. During the “ Medical Model” era, and still today this issue lacks the full attention of correctional institutions and the criminal justice community. Nevertheless, treatment was offered for mental health issues during this time.

Up until the mid-1970’s offenders were often given mandatory therapy and drug treatment as part of their prison sentence. Many had substance abuse problems and were treated for such. Convicted criminals were seen as needing supervision, re-socialization, and support in acquiring the coping skills, behavioral therapy, and vocational skills which form the foundation for reentering society. At that time it was generally believed that counseling, education, and job training were central to criminal desistance and that active intervention could have lasting effects (Pager, 2007). As previously mentioned, many offenders enter prison as illiterates with very little marketable job skills, drug problems and mentally health issues. Thus, this approach seemed practical. Although necessary this rehabilitative approach would not last long enough.

Unfortunately, when the “ get tough on crime” initiatives rolled in the rehabilitation portion of punishment was rolled out. Former President Ronald Reagan took it upon himself to focus the nation’s attention toward the problems of drug use and distribution. These “ get tough on crime”

initiatives, a product of Reagan’s war on drugs, caused prison populations to

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explode almost instantaneously. Between 1980 and 1990, the annual number of drug offenders admitted to state prisons increased tenfold (Pager, 2007). With the inundation to the prison population it was technically impossible to effectively rehabilitate each and every prisoner. This was especially true with the increase in prisoner sentences being tied more specifically to drug offenses, which meant substance abuse treatment for all. Along with these new initiatives came a more corrective approach towards punishment which left little room for rehabilitation.

Along with the prison explosion of the 1980's and 1990's came a decrease in financial backing for the departments of parole (Pager, 2007). This decrease, purportedly tied to the war on drugs, put a strain on parole officers' role in the rehabilitation and reintegration process. Tasked with reintegrating offenders back into society, the departments of parole as a whole are an integral part of the reentry movement and effort to reduce recidivism. An offender is generally considered to be "rehabilitated" when he or she no longer represents a threat to members of the community and are therefore believed to be fit to live in that community (Gaines & Miller, 2007). Parole officers are (or were) responsible for the post release portion of this rehabilitation effort; getting the ex-con back in touch with his or her community. After the prison explosion parole officers were now finding themselves with almost three times more the amount of caseloads than previously charged with. This reduction in time and increase in case loads meant less assistance and more correction and supervision. Yet another rehabilitative tool was being left behind. A great majority of the American public, ex-convicts included, have always had unfavorable opinions of the

department of parole and probation officers. Now trust in the department was dwindling even further.

“ WHAT WORKS”

Two (2) of the largest studies on recidivism were conducted by the Bureau of Justice Statistics in 1983 and again in 1994 (the fourth and fifth BJS study of offenders released from prison and their re-involvement in crime). The most obvious lesson learned from these studies was that from 1984 to the 1994 there was a 5% increase in recidivism for those prisoners released (Langan & Levin, 2002). Thus, it would seem that the practices currently being utilized to address the concern of recidivism are, or have been, somewhat ineffective. Those released in 1994 were not only re-arrested in greater numbers than those released in 1983. But they were also re-arrested sooner after release and for graver offenses (Beck & Shipley, 1989). The greatest chance for reoffending took place within the first year of release from prison (Langan & Levin, 2002). As mentioned previously and as pointed out by both the BJS studies on recidivism, there are several contributing factors which come into play when considering whether or not an individual will reoffend. Factor such as education level, prior arrests and/or previous incarcerations, age, gender, type of offense, amount of time served, and ethnicity. These characteristics, to name a few, are part of a “ reoffended equation”. These characteristics can also be utilized to form a risk assessment, which may identify those who are at the greatest risk of reoffending. This insight again solidifies the notion that not each person can be addressed utilizing the same approach.

Alongside research conducted by the Bureau of Justice Statistics stands a large body of study collectively known as the “ what works” literature (Latessa & Lowenkamp, What Works in Reducing Recidivism, 2006). The “ what works” literature has, with the assistance of evidence-based research, further confirmed that what is good for the geese is not always good for the gander. As continuously stated, not all approaches work for every offender. In addition, even the most successful approaches are not successful every time (Hooley, 2010). It’s unfortunate that some offenders simply cannot function outside of prison walls. There are those criminals who will ultimately remain criminals stuck in a cycle of reoffending. Part of the “ what works” literature addresses this issue by addressing the risk and needs of each individual inmate or ex-convict.

Dr. Edward J. Latessa and Dr. Christopher Lowenkamp, both Professors at the University of Cincinnati have dedicated much of their research to the study of recidivism. Dr’s. Latessa and Lowenkamp (2005) have a recurring theme that the components of effective correctional intervention, including offender reentry programs, have already been demonstrated and confirmed time and time again (p. 72). Many academics (Petersilia 2003, Pager 2007, Hooley 2010) profess the fact that there are programs that have been scientifically proven more successful than others. According to Latessa and Lowenkamp (2005) the setback in recidivism stems from correctional institutions disregarding this large body of evidence in favor of quick fixes or the latest trends.

According to Hooley (2010) and several authors of “ what works” literature in addition to science based strategies and writings put out by the National <https://assignbuster.com/reviewing-recidivism-in-the-criminal-justice-system-criminology-essay/>

Institute of Corrections, in order for a correctional system to be effective at reducing recidivism it must adhere to several core concepts. The most important core concept is a risk assessment; “ who” to target (Latessa & Lowenkamp, What Works in Reducing Recidivism, 2006). Included in this risk assessment are several characteristics identified in the Special Reports conducted by the BJS as well as others. These characteristics include, but are not limited to: age (the younger the prisoner when released, the higher the rate of recidivism), attitude (does the offender display anti-social attributes), criminal history (will he or she continue to hang around with other who cause trouble), motivation (will the offender seek and keep employment), and attitude (does the offender accept responsibility for their actions either good or bad). Once those at risk are identified, resources should only be expended on offenders with the highest probability of reoffending (Hooley, 2010). In the age of do more with less it’s imperative, both for taxpayers and the correctional system, to utilize funds and resources where they will most likely to have the biggest impact. It has also been proven that it is possible to do more harm than good if “ low risk” offenders are paired and treated with “ high risk” offenders.

In Latessa and Lowenkamp’s 2005 article in the Ohio Judicial Conference, they speak of a second principle to be addressed; criminogenic needs. The most effective programs assess, address and meet the individuals’ criminogenic needs. These needs include who they hang out with, their attitudes, beliefs and values, their lack of problem solving, substance abuse issues, and employment status to name a few (Latessa & Lowenkamp, What are Criminogenic Needs and Why are they important, 2005). They have the

largest influence on what motivates the individual to reoffend. One such example is a recently released inmate who continues to associate with anti-social and criminal friends. Chances are they will be more likely to reoffend. Programs such as boot camps and other programs which address non-criminogenic needs are by themselves unsuccessful as they tend to not focus on crime-producing needs (Latessa & Lowenkamp, What Works in Reducing Recidivism, 2006). Although self-esteem and discipline building programs can be helpful for a short period of time, those that fail to address the attributes which encourage criminal behavior will never be successful in the long term. While “ static” criminogenic needs such as a prior criminal record and family criminality can’t be change, “ dynamic” criminogenic needs such as those listed above can be influenced to reduce the individuals’ chance of reentering the criminal justice system (Latessa & Lowenkamp, What are Criminogenic Needs and Why are they important, 2005).

The next concept is referred to as the treatment principle. This principle addresses the “ how” to go about targeting offenders’ needs. Evidence-based programs that are not only behavioral in nature, but are also delivered by a well-trained staff have been proven to be successful (Hooley, 2010). Some offenders may have to be taught a whole new way of thinking. Cognitive behavioral therapy that focuses on current factors influencing behavior that are action oriented with role-playing involved have a tremendous influence on improving anti-social behavior. A four to one ratio of positive reinforcement over sanctions has been found to be one of the most effective forms of treatment (Hooley, 2010). Many inmates have had no positive influence in their life or have never received positive reinforcement

paired with non-criminal activity. Thus, in the treatment principal social learning is reinforced, via psychotherapy that emphasizes the important role of thinking in how we feel and what we do (National Association of Cognitive Behavioral Therapists, 1996-2010). This encourages the individual to become less anti-social and motivated to do better.

But above all, none of the above mentioned strategies are useful unless they can be delivered by a well-trained and dedicated staff. This applies to programs delivered both inside and outside of prison walls. In *What Works in Reducing Recidivism*, Latessa and Lowenkamp (2006) name this as the fifth core concept. All parties involved in the process of rehabilitating the offender's attitudes and behaviors must be on-board and on the same page. Those implicated must be trained, competent, consistent and sensitive to the offender's needs. This support is imperative. This requires on-going support as staying away from negative influences in the form of old friends and family may prove easier than staying away from drugs (Hooley, 2010). Dr. Lateesa cites recent studies which have demonstrated that even evidence-based programs can increase recidivism if not competently delivered (as cited by Washington Institute for Public Policy, 2004).

THE REENTRY MOVEMENT

There is a vast amount of anecdotal and empirical evidence pointing out the rise in prison populations. Furthermore, an abundance of reports signal an increased number of ex-convicts being released into the community. Hence, it only makes sense to focus more attention on pre-release programs and training. Much of the incentive surrounding the reentry movement have

sprung from pressure on public policy makers to provide treatments and services that will smooth the integration process while reducing recidivism (Nunez-Neto, 2008). Approximately 650, 000 people are released from prisons every year to return to communities that may or not welcome their return (U. S. Dep't of Justice, 2010). With such a large number of annual releases, the most important question to be asked is whether or not those released are equipped to be productive members of society. Without the proper attention and equipment (both physically and mentally), they will not be prepared.

It is with this information that a " reentry movement" of sorts has surfaced and gained great momentum during the past century. Correctional facilities are striving to make the transitioned from the " punishment" mindset to one of rehabilitation and preparation for prisoner reentry and reintegration. In the words of Joan Petersilia of the University of California at Irvine, prisoner reentry encompasses " all activities and programming conducted to prepare ex-convicts to return safely to the community and to live as law abiding citizens" (Petersilia, 2003). The correctional community at large is slowly coming to the realization that, without the tools required to function in what may be a whole new world, a recently released convict may have but one option; to resort to the criminal tendencies which proved useful prior to his or her incarceration.

Part of the reentry progress has come with backing from the Federal government. On April 9, 2008 the Second Chance Act of 2007 was enacted.

H. R. 1593 outlines the purposes of The Second Chance Act of 2007 as the following:

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To break the cycle of criminal recidivism, increase public safety, and help better address the growing population of criminal offenders who return to their communities and commit new crimes.

To rebuild ties between offenders and their families and to encourage the development and support of programs that reduce recidivism. For example: substance abuse treatment, alternatives to incarceration, and comprehensive reentry services.

To protect society and promote law-abiding conduct by providing necessary services to offenders.

To assist offenders reentering the community with transitional services for a sufficient amount of time after incarceration.

To provide offenders in prisons and jails with educational, literacy, vocational, and job placement services to facilitate re-entry into the community.

(The Second Chance Act, 2008)

This original Second Chance Act of 2007 was a way for Congress to authorize a number of new programs and expanded the current offender reentry grant program at the Department of Justice (Nunez-Neto, 2008). It also assists the Federal Bureau of Prisons with its offender reentry programs in modifying components which prove most successful for federal ex-offenders. And it establishes a prisoner reentry program at the Bureau of Prisons and bestows the agency with new authorities (Nunez-Neto, 2008). This Act, and other

similar programs at the state and local levels, is instrumental in giving ex-
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offenders the boost they need to be more victorious in their quest to “ make it on the outside”.

REINTEGRATION

Three phases are often associated with offender reentry programs. First there are those programs that take place during incarceration, which aim to prepare convicts for their release. Secondly there are those programs that take place during the convicts release period, which seeks to connect them with the various services they might require once released. And lastly, during the final phase, there are the long-term programs that support the offenders permanent reintegrate into their community and society. This final phase attempts to provide the support and supervision ex-cons require most (Nunez-Neto, 2008). It is also the most crucial phase as what happens during the months following an ex-con’s release often determines if and how quickly they will or will not re-offend.

As stated previously, from the late 1950’s up until the mid-1970’s offenders were often given mandatory therapy, drug treatment, behavioral therapy and coping skills during their incarceration period. Rehabilitation efforts were at the forefront of correctional reform. The pattern during this era emphasized rehabilitation and reintegration. Since the early 1980’s, views towards these forms of traditional treatment efforts have begun to deteriorate (Kadela & Seiter, 2003). With changes in ruling political parties and differing prison administrations also comes change in corrective tactics. Fortunately, the pendulum is returning towards rehabilitation and for the past century rehabilitation has been viewed as not only the most “ humane”

goal of punishment, but also as a cost-effective (and possibly crime-reducing) alternative to punishment (Gaines & Miller, 2007).

Nevertheless, in order to alter the in prison experience prison officials have to accept that prisoner reintegration is part of their core responsibilities (Petersilia, 2003). Correctional staff and prison administration must make extensive efforts to ensure the prisoners are prepared for reentry. This includes not only a return to providing education and treatment, but also promoting an environment that encourages positive relationships, improving life skills and conflict management as opposed to violence and domination (Petersilia, 2003). While incarcerated each day of an inmate's life is planned and structured. The inmate is required to make very few decisions on his or her own behalf. Allowing an inmate opportunity to make decisions will reduce the trauma of having to deal with life's decisions on the outside. Studies show that the most successful programs in the reentry movement are those which begin during the actual incarceration period.

During the months, and possibly years, leading to release is when programs which attempt to connect inmates with services they'll require upon release are most important. Again, correctional staff truly engaged in the process must foster collaborations and develop partnerships with the community. These services can include employers willing to participate in work-release programs, family members who participate with the inmate in counseling services, and community services geared toward assistance with housing and transportation to name a few. The list of programs and assistance should be modified to meet the individual needs of each inmate. In the words of

Joan Petersilia (2003), " Just as welfare reform forced welfare agencies to <https://assignbuster.com/reviewing-recidivism-in-the-criminal-justice-system-criminology-essay/>

shift from a dependency model to a model of transition to independence, so too a reentry perspective would force correctional agencies to take practical steps to move prisoners toward independence” (p. 174).

Even upon release from prison, an ex-convict is labeled by society. What seems to be a great instigator to the crisis of recidivism is the fact that upon being released from prison many a ex-con feel they are still doing time (Pager, 2007). Felons face numerous hurdles in today’s world. Many (especially those with drug convictions) are barred from public assistance, which may include housing, food stamps, or, in the case of women, WIC (Women, Infant and Child assistance). Convicted felons cannot vote and in some states they are further disqualified from obtaining a drivers license (Samuels & Mukamal, 2004). This is more grounds with which to facilitate the rehabilitation and return of the parole system. Without the Department of Paroles (due to abolishment in some states and determinate-sentencing releases in others) many states have form their own form of mandatory supervision. This supervision is still less individualized and based on risk rather than need, setting supervision levels based primarily on offenders’ history of criminal behavior (Kadela & Seiter, 2003). Thus, even if an inmate has participated in rehabilitation programs while incarcerated and was assisted with reentry by both the prison personnel in conjunction with a well-trained staff, that inmate must still be able to successfully navigate the outside world.

EMPLOYMENT

Being able to find a job is one of the easiest ways for an ex-convict to get back on his or her feet. With employment comes the ability to pay rent, purchase food and clothing, a boost in self-esteem and, most importantly, the choice of not having to resort to illegal means. In addition, the ex-convict may be returning to a family for whom he or she must now provide. A job for an ex-con in this situation means an already stressful situation becomes less traumatic. For both male and female ex-cons, being able to find a job after being released from prison can only be a boost to their confidence and sense of worth. Research has empirically established a positive link between job stability and reduced criminal offending (Petersilia, 2003). However, for most the odds are against them. To add insult to injury, nearly 80 percent of parole boards nationwide list some form of gainful employment as a standard condition of parole (Pager, 2007).

Back in the 1960's and 1970's Wisconsin, New York and Hawaii passed laws forbidding discriminating against ex-convicts based on their criminal record (Pager, 2007). Discrimination of this sort could only be done so if the nature of the crime was directly related to the specific responsibilities of the job (Pager, 2007). Of great note is the fact that only three (3) states have such laws preventing employment discrimination against ex-convicts. The view of the remaining states is indicative of society's judgment as a whole. The majority scrutinizes ex-convicts as untrustworthy, uneducated and unable to be employed for anything but manual labor. Many equate all felons to murderers and rapists. Unless more states pass similar laws, which hold the status of a protected category, similar to protections provided for minorities

under Title VII of the Civil Rights Acts, the most important factor in successful reintegration will also be the hardest; finding a job.

When applying for any job some of the questions an applicant must answer are those regarding previous criminal history. And in this age of technology many employers also have the option of conducting background check. Combinations of these two facts do not bode well for those with a criminal record. On a positive note, Petersilia (2003) reported that a recent survey revealed employers are becoming more receptive to the idea of hiring an ex-convict if a liaison-a service provider, counseling program or community center-is available to mentor and to help avert any problems (as cited by Wirthlin Worldwide, 2000)(p. 196). This is yet another testimony to the importance of an ex-con having an advocate on the outside. Whether it be a parole officer, a community-based program that has chosen to champion the felons fight, or family members intent on providing for their loved one; assistance plays a pivotal role in the success or failure of the ex-cons' struggle.

PAROLE

The same get tough on crime policies that nearly abolished the rehabilitation mind set toward incarcerated prisoners were also responsible for inadvertently (or purposely depending on who is asked) diminishing the functions of the parole board. The stated role of parole is supposed to be to oversee the process of reentry and to assist the ex-convict in his path towards a crime-free life (Pager, 2007). However, during the 1960's and 1970's the job of the parole board was not only essential, but also

meaningful and multi-faceted. During the years when the majority of the prison population was serving indeterminate sentences, the parole board was largely responsible for determining which prisoners would be allowed early release, via parole. Part of that decision process included requiring extremely dangerous and high risk inmates to serve the majority of their sentence (Kadela & Seiter, 2003). They also made it their job to ensure inmates had a plan as to what they were going to do following release from prison. Parole also served as an incentive for inmates to behave. Part of indeterminate sentencing included “good time”, which removed days and/or months from an inmate’s sentence for good behavior. This encouraged cooperation amongst prisoners who were highly aware that bad behavior could affect their chance of gaining parole.

After the Sentencing Reform Act of 1984, the length of time served by federal convicts for their crimes rose significantly. Sentencing reform statutes and truth-in-sentencing laws had the same effect at the state level (Gaines & Miller, 2007). These legislative enactments were attempts to ensure convicts served the majority of their actual sentence; determinate sentencing. Secondly, change came on the heels of crimes committed by inmates who had gained parole and reflected society’s belief that those being incarcerated were more violent than before. The downside of determinate sentencing, where most prisoners serve approximately 85% of their sentence, was the abolishment of parole by the federal government and between 14-16 states (Gaines & Miller, 2007).

In *When Prisoners Come Home*, Joan Petersilia (2003) presents twelve recommendations on how to reform parole and reentry practices (p. 171).
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Petersilia (2003) presents reinstating discretionary release as an incentive for inmates to try to rehabilitate themselves while incarcerated (p. 188). Although inmates are to serve the majority of their sentence, these terms are generally shorter under determinate sentencing. Therefore, they have no motivation to earn “good time” or show effort toward rehabilitations since their sentences are shorter. And without discretionary parole the board no longer has the power or ability to deny release when it deems necessary. A case in point is Richard Allen Davis whose account is described by Petersilia (2003). Under indeterminate sentencing Davis was denied parole six times. With the Sentencing Reform Act, the state of California (in which Davis was imprisoned) chose to abolish discretionary parole. Thus, in 1993 Davis was mandatorily released due to time served. Less than four months later he kidnapped and brutally murdered Polly Klass (Petersilia, 2003). Ironically, this incident also fueled support for California’s passage of th