

A prisoner's re-entry into society

Society



Prisoner re-entry is a vitally important issue today which has yet to reach its full impact on the minds and lives of voters. However, with every passing year the importance of this topic becomes more evident. Since the eighties, every passing year has brought more pressure for harsher and longer imprisonment and more streamlined mandatory sentencing rules. This has not only resulted in an exploding prison population, but also in a drastic increase in the number of prisoners re-released into communities.

Additionally, the push towards more punitive measures has decreased educational opportunities in prisons and the availability of rehabilitation programs. This means that released prisoners are increasingly unable to reintegrate into their communities, increasingly prone to recidivism, and increasingly violent in each release and re-capture cycle. Even the conservative Bush administration has recognized the threat posed by unprepared prisoner re-entry and responded with a series of grants to private and public organizations involved in rehabilitation and easing prisoner transitions.

However, merely making government money available to private, religious, or state-based programs is not enough. These funds are only likely to reach a minority of prisoners who are already being aided by the aided programs. Prisoners whose communities and systems do not already take measures to help their rehabilitation will not be seeing any increase in re-entry programs or preparation.

A nationwide set of standards is needed to assure that every prisoner eligible for re-release into the community will be inoculated against recidivism and

prepared to become a useful part of the society in which they will reside. It is time for the Democratic Party to back away from the conservative model of crime prevention through fear and towards social responsible model of crime prevention through the creation of healthy communities. This can be done in large part by reforming the prison system from a gulag of social control and intimidation into a truly educational experience in which prisoners are put on a moderated track towards socialresponsibility, respectfor the rights of others, and preparation to take a beneficial role in society.

Joan Petersilia wrote an insightful book on this subject documenting a series of studies in crime and public policy, *When Prisoners Come Home: Parole and Prisoner Reentry*. After presenting many pages of carefully documented research, Petersilia provided four suggestions for future reform which could drastically reduce recidivism and change returning prisoners from presenting a public threat to being a boon to society. These suggestions were as follows:

1. Alter the in-prison experience. Provide moreeducation, work, and rehabilitation opportunities. Change the prisonenvironmentto promote life skills rather thanviolenceand domination.
2. Change prison release and revocation practices. Institute a system of discretionary parole release that incorporates parole release guidelines. These parole guidelines should be based primarily on recidivism prediction.
3. Revise post-prison services and supervision. Incorporate better parole supervision classification systems, and target services and surveillance to those with high need and risk profiles.

4. Foster collaborations with the community and enhance mechanisms of informal social control. Develop partnerships with service providers, ex-convicts, law enforcement, family members, victim advocates, and neighborhoods to support the offender. (Petersilia)

These suggestions represent the best Democratic policy towards reform of the prisoner re-entry system. Petersilia's book on the subject provides documentation about the efficacy of these recommendations and their necessity in the current environment. The remainder of this paper will focus on the precise laws, policies, and programs which may be recommended to promote the implementations of these suggestions.

Petersilia's first recommendation is to alter the in-prison experience. This may not be the immediately evident response to prisoner re-entry, but evidence suggests it may in fact be the most important response. As Petersilia points out in a separate article on the "Challenges of Prisoner Reentry and Parole in California," the reason that returning convicts pose such a threat is not merely that they are dangerous criminals returning to the communities that they originally victimized, but that their time in prison has in all likelihood increased the dangers they pose to civilians!

It is common knowledge that non-violent and inexperienced criminals entering the prison system are likely to emerge being both violent and experienced due to the brutal conditions that exist in most prisons. Male (and female) rape is extremely common in the prison system, with estimates placed between 13-70% of inmates suffering unwanted sexual conduct. (HRW) Such brutal experiences lead many inmates to experience post

traumatic stress disorder, which has been positively linked to increased violent tendencies.

The degree of dehumanization and stress common in prison can cause other problems as well. " Mental illnesses, particularly chronic anxiety and depression, may be caused by incarceration. Psychologists believe that incarceration often breeds 'global rage,' an impulsive and explosive anger so great that a minor incident can trigger an uncontrolled response." (Petersilia, " Challenges...") The Human Rights Watch's report on prison rape in America recommends several measures for preventing prison rape and brutality, and it is vital that policy focus on this aspect of the prison experience. In 2003 a bill was passed establishing a National Commission dedicated to studying prison rape, and several other measures to provide information and training regarding prison rape.

However, these measures did not go far enough to assure that prison rape was both prosecuted and that victims received help and counseling. Neither mandatory prosecution nor counseling was included in the bill's measures. Though some constituents might hesitate to focus on preventing brutality to prisoners (indeed, if one pays close attention to the sorts of attitudes and jokes prevalent on crime shows such as Law and Order and NYPD Blue, many consumers may think that prison rape is a justifiable punishment for child abusers and pedophiles), it is important to remember that prison rape victims are likely to emerge with HIV and equally likely to become sexual abusers after their experiences even if they were not abusers before. Thus it is a public health and safety concern to prevent prison rape and other

brutality between prisoners. The following policies should be instituted nationwide:

1. Division of prison population between violent and non-violent criminals, and between those who are eligible for parole and those who are not.

(Parole-eligible prisoners have more incentive for good behavior)

2. Establishment of special court systems for prison population, mandatory investigation and prosecution of all incidents of hospitalization resulting from sexual assault, availability of independent prisoner-rights advocates, and segregation of all inmates convicted of prisoner-on-prisoner sexual assault to carefully regulated wards, and automatic termination for any employee convicted of sexual impropriety or battery of an inmate.

3. Mandatory counseling and AIDS testing for all prison brutality victims and the establishment of victim-positive protective custody arrangements. (Many victimized inmates are only offered solitary confinement as a protective arrangement, which generally means loss of other privileges and any human interaction, potentially worsening the trauma and decreasing reports)

Condoms and retro-virus treatment should be made available to all AIDS/HIV positive inmates, so that future consensual prison relationships will be less likely to increase AIDS transmission.

Additionally, the very arrangement of prisons tends to discourage personal responsibility and the development of positive social interactions. Petersilia describes how prison systems punish individual initiative and free-thought, and fail to prepare inmates for independence and responsibility within an open society. " When personal choice is eliminated, so is

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personal accountability because the system makes all decisions for prisoners." (Petersilia, 184) A nationwide study should be undertaken regarding ways that personal choice and accountability can be safely established in prisons and a set of guidelines for national and private prisons should be developed based on the results of that study.

Petersilia recommends some programs which have had success in the past which allow simple personal choice from requiring prisoners to decide for themselves when/how to clean their own cells, send their laundry to the cleaners, and so forth. Involving prisoners in some of the more mundane aspects of their confinement is likely to increase the sense of personal control and encourage responsibility. These changes should not be geared so much as ameliorating the punishment of prisoners as of assuring that the incarceration does not reduce their ability to function as a free person.

One more important issue regarding prison experience is the availability of vocational and academic training. It is well known by those who study these issues that prisoners who are able to be employed after re-entry to society are significantly less likely to commit further crimes. Petersilia's second suggestion was to change prison release and revocation practices.

The best recommendation for policy on this issue would be to adjust mandatory sentences so that they included the completion of certain educational and behavioral requirements. These adapted sentences would require the inmate to both complete a certain length of time and a set of release requirements to be established by a panel of experts on a case-by-case basis. These release requirements must be completed before the

inmate was eligible either for parole or release based on time served.

Requirements should include, as determined per individual case, mandatory counseling, addiction treatment, educational attainment, vocational studies, and good behavior.

Petersilia points out that, based on prison records, recidivism predictions can be made that are 80% correct. Recidivism predictors should be made clear to inmates and they should be encouraged to work towards being eligible for release and parole. A nationwide set of guidelines regarding minimum achievements requirements in addition to the current nationwide set of minimum time-served requirements would return the focus to rehabilitation rather than mere punishment. In fact, the minimum time-served should be directly related to the minimum time necessary to complete the release requirements.

Part of assuring that the prison system creates parolees who do not endanger the community is assuring that it creates educated parolees. It would do well in the future for ex-criminals to speak of "graduating" from prison, as it were, and going on to lead productive lives. In 1997 the Center on Crime, Communities, and Culture reported that "inmates with at least two years of college have a 10% re-arrest rate, compared to a national re-arrest rate of approximately 60%." This is somewhat ironic, because just three years earlier in 1994 Congress passed a bill which virtually destroyed the prison undergraduate school system.

This bill eliminated Pell grants paying for the education of incarcerated individuals. "Nationally, the only higher education program that's still

publicly funded is for youthful offenders." (Banks) So it is that since 1994 recidivism has increased by almost half, going from around 60% to nearly 90%. Today a mixture of volunteers, religious organizations, and state-funded programs have moved in to provide some college education for inmates. However only slightly more than 10% of prisoners will re-enter society with a college degree. A new bill should be sponsored which would fight to prevent crime by educating prisoners and thus slashing their chances of offending again.

Even if Pell Grants were not extended to prisoners, perhaps a new system of educational grants should be developed that would pay for accredited college education for prisoners as part of their pre-release requirements. Our founding fathers all focused on the necessity of a free people being an educated people, and claimed that democracy was dependent on the education of the people. If we are to prepare prisoners to reenter a democratic nation and partake in it as citizens rather than as public enemies, then a liberal arts education which both prepares them for work and prepares them to understand the rights and responsibilities of all citizens is absolutely necessary.

Petersilia's third point is that we need extensive post-release services. A new set of federal guidelines should require all released prisoners to be prepared with housing and income options. Halfway housing should be arranged for those who do not have families prepared to commit to providing housing. Job-placement services should be arranged before release and continued employment should be a condition of parole with job-placement provided at

any point during the parole period at which the ex-inmate becomes unemployed.

Continued medical treatment and counseling for prison-related problems (including AIDS and mental illness) should be provided, as well as mandatory counseling and guidance sessions. More federal and state funding needs to be available to increase the number of parole officers and services.

Nationwide there is a shortage in parole officers. In California, for example, "the ratio is now 82 parolees to 1 parole officer... even parolees who are motivated to change have little opportunity to do so." (Petersilia, "Challenges..."))

According to Petersilia's research, "most inmates have a strong desire to succeed when they are first released." (Petersilia, "Challenges...") Therefore it is vital that re-entry services are provided. Additionally, as most inmates are re-arrested within three years, it seems vital that such services are available for a period of at least five years as the inmates adjust to the responsibility and freedom of life outside.

Homelessness, lack of income and opportunities, and a return to addiction are among the main reasons for a return to crime -- proper post-release supervision, counseling, and provision of housing and work opportunities can prevent this. Though such supervision would be expensive, it will be far less expensive to provide ex-inmates with housing, employment, and services within the community than to provide them with housing, constant supervision, and services inside our prisons after they re-offend.

In conclusion, it appears that a national Recidivism Prevention Bill is absolutely necessary. This bill should include:

- 1) a commitment to stop prison rape by means of the creation of a special court system for in-prison crimes such as rape, the mandatory investigation of prison rape cases, and special custody arrangements designed to combat rape;
- 2) the establishment of a study resulting in national guidelines for prison reform aimed at fostering social responsibility and accountability;
- 3) the establishment and funding of an accredited national university of correctional facilities which provides liberal arts, vocational, and technical degrees to inmates;
- 4) Creation of national guidelines for sentencing to include individual minimum release requirements including (but not limited to) successful completion of addiction or other counseling, charitable service, educational and vocational training, evidence of good behavior, and treatment for mental health problems;
- 5) national guidelines and funding for parole services including housing, job-placement and training, medical services , and mental health/addiction/family adjustment counseling, and a low parolee-to-officer ration allowing for adequate surveillance and regular check-ups.