Ending Recidivism and Cycles of Mass Incarceration in America

"The true measure of our character is how we treat the poor, the disfavored, the accused, the incarcerated, and the condemned. Simply punishing the broken only ensures that they remain broken and we do, too. Each of us is more than the worst thing we've ever done." These are the words of Bryan Stevenson, a public interest lawyer and social justice activist whose work focuses on the epidemic of mass incarceration in America. The United States has the largest population of incarcerated people in the world. It has been called the civil rights crisis of our time and is an issue that warrants an immediate need for attention and solution. This issue is largely created by the current structure of the criminal justice and prison systems, as well as ongoing social stigmas that have been ingrained into our society for decades.

The current system of incarceration is one that creates a heavy financial strain with no end in sight as the cycle continues on. The majority of financial breakdowns show that current funding goes towards paying to house inmates, supplying them limited care, and facility/employment costs (Spengler). These financial models widely fail to include rehabilitation support efforts and costs, making it hard in most cases, especially on a large scale, to include the potential of reform as part of the funding conversation. In regards to data collection and studies, many are dated and not from recent findings. However they are still what is used to support and explain current discussion about the issues at hand (see Wexler 1999; Mullen 2001). The themes of these findings are still prevalent and discuss the same concerns we are discussing in recent times; but this lack of updated studies and in depth research makes it more difficult to know what is and isn't working in modern times. It also poses challenges for forming policy and changes

that people will get on board with. Nevertheless, policy and change are still necessary and should be what we strive for.

The current criminal justice system and its approach to solving mass incarceration has so far been limited, underfunded, and unsuccessful. It has created a revolving door effect that disproportionately affects racial and class minorities. It has resulted in broken families, disadvantaged children facing emotional as well as cognitive difficulties, and generational trends of cycling through the system. Furthermore, a societal stigma has been created that limits the futures and opportunities of offenders who have been released. Developing new programs, offering further support, reallocating funding, and changing the conceptualization around release will foster an environment where cycles of mass incarceration can and will be greatly reduced. There is a need to change the justice system that these individuals are in and the society that they will be coming back into.

As previously mentioned, the U.S. has the largest incarceration rate in the world. The stark reality of our situation is that the only places with rates resembling anything near the US are countries like Cuba, Turkmenistan, and El Salvador (Pfaff). In fact, "allies like Canada, France and Germany have rates on the order of one-tenth ours (yet have similar crime rates and substantially lower homicide rates)" (Pfaff). Many people attribute the start of this problem to the "war on drugs" and "tough on crime" policies and mindset that we have seen play out over the last several decades. These policies, put in place by Reagan and further perpetuated by Bush and Clinton ("The War"), gave way to a landslide of incarceration and a mentality of 'lock them up and throw away the key'. The lasting effects of which we see still today in the overflowing prison facilities and over-capacitated court systems.

A significant portion of the large prison populations are the same individuals cycling through the system in and out of prison repeatedly. With no resources upon release, they are likely to be back within a matter of a few years. **"Recidivism rates show that within three years of release, 68% of prisoners are rearrested and within five years, 77% were rearrested. The vast majority of these individuals are arrested for non-violent crimes."** (Jubitana). With these bleak statistics, it is clear that the current prison system and rehabilitation efforts being made are not working. Thus resulting in large amounts of people stuck in place with little hope of successful futures if major reform does not occur.

Of these individuals stuck cycling through the system, a disproportionately large amount of them are people of color and people of low socioeconomic status. This is largely due in part to an ingrained culture of racial and class injustice within the criminal justice system. A 2013 study analyzing the court systems in California found inequalities in sentencing that lead to less resources and support for minorities of race and socioeconomic status. **"Despite substantial evidence that minorities are overrepresented in the drug arrestee population, they remain a relatively large share of prison commitments and a relatively small share of criminal justice referrals to treatment"** (Nicosia 77). This unfortunately goes lengths towards explaining the high recidivism rates among minorities. The already limited rehabilitation services are being given more to those who are white and financially privileged, while the latter are instead sent to prison with no support or assistance. Therefore pushing those already discriminated against and societally disadvantaged even further away from the potential of successful reentry into society. With no resources or support, and being sentenced more greatly, these minorities are not given a path out of the system. They often know nothing different and do not see a new or contrasting life as a possibility. And in many cases it is realistically not.

For an individual to create positive personal change in a system that is oppressing them in the opposite direction is an almost impossible task. Thus, the system continues to perpetuate cycles of mass incarceration that are greatly filled by minorities. This issue of inequity has reached a tragically high, yet largely ignored level. **"**By age 30 years, approximately 21% of Black males will serve a prison sentence compared with only 2.5% of White males" (Grawert). These disproportionate statistics make it painfully clear that this issue of incarceration is an epidemic concentrated around people of color. Whether these disparities on part of the system are conscious or unintentional, their result is the same. Lives of minority individuals are being altered and thrown away into the prison system at shocking rates. We have now reached a point where the lifetime probability of spending time in prison is greater for young Black males than the probability of them attending college (Grawert).

While examining this effect on the individual, we must also consider those around them. Mass incarceration is not just harmful to the people in its system, it also creates difficulties and disadvantages for their families and children. Broken families, emotional and developmental difficulties for children, and intergenerational trends of incarceration are all additional fallout. According to findings from the National Survey of Children's Health, children with an incarcerated parent face higher amounts of emotional and cognitive struggles. Compared to children without an imprisoned parent they are "more than three times more likely to have behavioral problems or depression and at least twice as likely to suffer from learning disabilities, ADD/ADHD, and anxiety" (Scommenga). For these children, these types of problems create even more adversity for them to face in life. Which creates significant difficulties in terms of things like schooling and socializing. These effects are also seen evolving into further problems in adolescence where they manifest into "lower school attachment and increased risk of dropping

out of high school, smaller and more antisocial peer networks, higher rates of parental absence, increased risk for poverty and homelessness, increased risk for teenage pregnancy, and a higher risk of engaging in risky sexual behaviors and substance abuse" (Roettger). It is clearly evident, parental incarceration sets children on a less than ideal potential life path and creates many hardships as well as risk factors.

These difficult emotions they are dealing with and the poor choices they often make also work to explain why it is so common that we see intergenerational trends of incarceration. If a child grows up seeing their parental figure/figures locked up and then experiences all of the challenges mentioned above it is not a far reach to see how they could easily end up in the same situation. Children of incarcerated parents are far more likely to be incarcerated themselves (Alexander). If a parental figure has high recidivism rates these effects in childhood and adolescence can be even more severe, as an extremely large sense of hopelessness can be experienced watching their loved ones cycle in and out of the prison system (Alexander). If the system were to be changed, then the lives of these children and their futures could have a much more optimistic outlook as well.

Problems with prison stay extend far beyond release. Once an individual has been in prison, they are surrounded by a societal stigma that greatly limits their future opportunities, making reentry into society very difficult. This societal stigma is further backed up by laws and regulations that support the discrimination of the previously incarcerated. Two of the main areas that previously incarcerated individuals struggle with are finding jobs and educational opportunities. As Martensen profoundly stated, "Once incarcerated, an individual carries a permanent label that brands him/ her as an eternal 'criminal' and deactivates him/her from mainstream society. This translates into exclusion from responsible educational and occupational

participation" (212). The notion our society holds of the 'once a criminal always a criminal' mentality is one that leaves many people with nowhere to turn and no productive options after release. Therefore leaving only a matter of time until they likely reoffend. Over one third of all 30 year old unemployed men are in jail, in prison, or ex-offenders in society (Looney). For these men, lack of a job means lack of stable income, difficulties finding housing, and denial of further opportunities. In 2018 it was found that over half of all ex-prisoners had no reported earnings (Looney). For those who do break through the stigma and are lucky enough to find employment, it was found that "half earn less than $10,090 a year or less than a full time job at minimum wage" (Looney). This is yet another roadblock upon reentry that makes it difficult to build a new lifestyle. These individuals are trying to do what is societally acceptable and encouraged, yet still don't have access to the same pay and quality of life as everyone else. This is incredibly discouraging and creates a further sense of hopelessness for change for these ex-offenders. And as we already know, hopelessness of change leads to higher recidivism.

Further perpetuating this difficulty is the laws and regulations surrounding ex-offenders upon release. These individuals are denied food stamps and other benefits, they are denied educational opportunities and support. They face extensive housing discrimination along with the employment discrimination previously mentioned (Alexander). This large political wall is one of the main reasons ex-prisoners reoffend, it has famously been said that "as a criminal, you have scarcely more rights, and largely less respect, than a black man living in Alabama at the height of Jim Crow" (Alexander). If this is the society and environment these individuals are being released back into it is almost unreasonable to expect anything more then them cycling back into the system.

Mirroring this lack of resources and support in society is the same problem within the walls of prison facilities. The current solution of rehabilitation programming is one that has not yet reached its full potential. A large number of prison facilities have no rehabilitation or transitional support programming for inmates. For those that do, the programs are largely underfunded and limited (Heuring). They lack the substance abuse support, education, and transitional services needed to support inmates that have hopes and motivations for a different life. This deficiency of resources is largely due to underfunding and allocation of funds that is focused on housing criminals versus rehabilitating them (Waldman). The US spends $270 billion per year on its criminal justice system. "In California it costs more than $75,000 per year to house each prisoner — more than it would cost to send them to Harvard" (Waldman). This exhibits how the financial resources are definitely there, they are just focused in the wrong areas. If some of that money was allocated to provide education and support we could be looking at a very different picture of mass incarceration. Inmates could receive counseling and therapy. They could complete their educations or gain further degrees. They could learn workforce skills and participate in things like community outreach. For many, they could embark on sobriety in a healthy and supported way. Unfortunately, with the current structure of most prisons all of these services are either nonexistent or very limited.

The current programs that have been created and financed are doing amazing things in helping offenders have a second chance; however it is also important to acknowledge their shortcomings in services to be able to improve the problem. Most existing programs in prisons are vocational and focused on providing a single and concentrated skill set that can be used for occupation in the real world (Bennett). While this is a good start to helping offenders secure future job prospects, it does not address some of the major skills needed in the labor market of

today's world. Single focus vocational programs do not address the need for flexibility and career development. "Globalization of advanced technology, information sharing, and increased competition for productivity are only some of the influences affecting career choices and stability." (Bennett). These are skill sets difficult for workers without criminal records to stay proficient in, so you can only imagine how hard these types of things are for individuals who have been locked away for years and do not have the same qualifications, job experience, and flexibility (Bennett). Current prison programs face a problem in that they do not provide training and education for these advanced factors of success and educational needs. Thus, still ill preparing offenders for reentry and perpetuating recidivism.

Looking back it is hard to identify when this landslide of a cycling system avalanched out of control. For the majority of people the issue itself is simply unknown or turned to a blind eye; however, ignoring the problem has so far proved an unsuccessful solution. There is an issue with a lack of awareness, momentum, and success for reform that is perpetuated both politically and socially. One potential reason for this is a feeling of disconnect that those in power have with those in minority groups and of low socioeconomic status. "Those who have the ability to influence, i.e. politicians who are part of the majority, do not relate to the residents of disadvantaged communities, so the issues arising in these communities go largely ignored" (Martensen). Prison reform is a largely heated and contested topic in politics, both in the past and present. This is another leading factor in why reform has been slow moving to nonexistent. Just recently in June of 2020 the Republican and Democrat parties blocked each other's reform bills, tabling the issue and sending it nowhere yet again. In regards to this, Ames Grawert, council at the Brennan Center for Justice, said, "It was kind of shocking, the huge gap between where your congressional Democrats are, where a lot of people in the movement on the ground are and

where Republicans appear to be, and I think that's really disappointing." Her words echo the small amount of voices speaking up for the need to end cycles of mass incarceration, which often fall on deaf ears. This problem is a difficult one to approach, as simply demanding and receiving attention for a socially ignored problem is not easily feasible.

What can be done however, starts within the prisons themselves. Creating and further developing new education and substance abuse programs, as well as providing counseling services are all things that will help better prepare offenders for a new life. Examining a study done in a prison named HCCC that was developing college education programs it was found that, "an inmate who completes at least one college course while incarcerated at HCCC is 21.9% less likely to recidivate to our facility 5 years after release, than a comparable inmate who does not avail herself or himself of such courses" (Burke 161). If this is the result of a single course taken once, imagine the results on recidivism with large course offerings and well developed programs. Educational programming in prisons could be seen as a sliver of hope and a view of a way out for those who want it. It is a chance to change the trajectory of a life. Along with this it is a tremendous way to gain academic, work, and life skills to apply to the real world upon release.

Beyond academics there is a need for personal and emotional help as well. Many offenders are in prison for drug related charges and have severe substance abuse problems. Adding substance rehabilitation programs into the prison structure is another way to change the trajectory of lives while in prison facilities. This type of rehabilitation has been proven successful and productive. A 1999 study done by Dr Harry Wexler in a San Diego Prison found that, if paired with aftercare, substance abuse programs led to reduced recidivism ("Inmate Drug"). He studied 478 offenders and found that after three years, "Only 27 percent of the

prisoners involved in the prison's drug treatment program with aftercare returned to prison, compared to a recidivism rate of 75 percent for those not involved in the treatment program" ("Inmate Drug"). This statistic shows immense support for the need of substance abuse treatment in prison. Holding addicts, giving them no help, then releasing them only to pick them up for the same substance charges again is a nonsensical and expensive cycle. It is important to note that this study was done in 1999 and yet we still have a notable lack of such programming. This speaks back to the point of mass incarceration being ignored and the gap that greatly needs to be filled.

Recidivism happens outside of prison, so it is important that the support services follow suit. Creating more transitional services in regards to social support, housing, jobs, and substance abuse resources when reentering society is another key solution to solving the problem. On the surface this may sound like an expensive and complicated process to implement. The assumptions about unrealistic costs of rehabilitation and transitional services have been, and are currently, a common barrier to action. However, **"**Treatment delivered in the community is one of the most cost-effective ways to prevent such crimes, and costs approximately $20,000 less than incarceration per person per year" (Heuring). Implementing new support systems for those reentering society will cost significantly less than paying for them to reenter prison time and time again.

These services will benefit the individuals receiving help in moving forward, as well as the communities they are in. These communities would now be gaining new productive members of society who are more educated, employed, emotionally improved and ready to move forward. Reentry services will also help to integrate ex-offenders back into society and help eliminate some of the social stigmas previously discussed. One of the first key focuses should be housing

accessibility, which provides a stable basis for many other aspects of positive reentry. Starting the reentry process on the streets is not a trajectory for success. "Homelessness may not be singularly responsible for recidivism, but being unstably housed complicates all other targets of intervention for ex-offenders" (Mckernan). Once housing is secured, taking advantage of all available resources and working the programs will go lengths to eliminating recidivism. Things like support groups, job connections, and tutoring are all incredibly realistic transitional services to implement. Many of which can be led and overseen by volunteers, helping again to fix the problem of cost.

Overall the current criminal justice and prison system is one that perpetuates a culture of mass incarceration and recidivism. There is a cycling effect of imprisonment that disproportionately falls on individuals of minority groups and low socioeconomic status. Families and children are greatly affected, developmental and behavioral problems are generated in kids, and patterns of intergenerational incarceration are created. There is also a societal stigma created that greatly limits opportunities for ex-offenders upon reentry into society. Efforts for reform and rehabilitation have so far been limited and underfunded, programs in and after prison do not have the resources they need to reach their full potential. Furthermore, reform is difficult due to the issue being socially and politically ignored on many levels. As well as more recently becoming heavily controversial and debated. To solve this devastating revolving door effect of the prison system there needs to be a change in culture and a large focus on rehabilitation and support services, Both inside of prisons and transitioning out of them into society. Funds need to be allocated differently and more extensive programs need to be developed. More research and studies also need to be done to bring awareness and updated understanding to the problem. Combining substantial prison based and transitional support services will create much needed

momentum to greatly reduce recidivism rates and change the way our prisons and communities

look for the better.

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