

Rehabilitation and Re-Entry: A Need for a New Vision

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The American criminal justice system incarcerates more than two million of its citizens (Brewer and Hetizeg, 2008). It is estimated that 80 percent of these prisoners will return to society (Keller, 2014). Despite this reality, at the end of the last decade, the United States had a 68 percent recidivism rate (Urban Institute, 2010). I have had the misfortune of experiencing this deficient system for 37 years of my life. Although I have obtained several college degrees, various certifications and some advanced training in criminal justice by respected criminal justice reform advocates,* the reality is that re-entry or re-integration into society for me and other ex-prisoners is like grasping at straws on a slippery slope. Some studies have shown that this may be the experience of hundreds of thousands of American citizens who have experienced probation, parole, or incarceration in the United States (e.g. Vishen and Travis, 2011). I will discuss in this article the need for a new vision, provide reasons for why this change in approach is important. To this end, I will address following questions:

- Is the theory of rehabilitation and re-entry in America a myth or reality in practice?
- What is the lived experience of an ex-prisoner's 'second chance' in America?
- What does comparative research have to say about a prisoner's potential for rehabilitation and re-entry?
- What new ideas and methods could be deployed to make rehabilitation and successful re-entry a reality for more criminalized people in the United States?

IS THE THEORY OF REHABILITATION AND RE-ENTRY IN AMERICA A MYTH OR A REALITY IN PRACTICE?

The advocates of rehabilitation persistently fight to bring their concept back to the forefront of the American criminal justice system (e.g. Cullen, 2007). Yet the last forty years, this ideology has been sidelined by rising social fears of crime, and political and economic pursuits cloaked in the use of the

‘tough on crime’ approach following the problematic take-up of Martinson’s (1974) findings that were construed as ‘nothing works’ when it comes to the rehabilitation of prisoners. Since then, the term ‘rehabilitation’ for the incarcerated has been reduced to a vision of hope, redemption and a pathway to success that is inadequately supported within the criminal justice system. The notion has become a hollow promise that exposes the criminalized to a living social hell filled with prejudice, social bias, discrimination and demeaning labeling (Travis, 2005). To further exacerbate this humiliation, the ex-prisoner is constantly confronted with barriers from local, state, and federal agencies associated with a lack of funding, limited resources, and bureaucratic policies that often make their rehabilitation efforts useless (Human Rights Watch, 2004).

Based on statistics compiled from 2008 and 2010 by the U.S. Bureau of Justice Statistics, 30 percent of released prisoners in its sample were re-arrested within six months of their release. Within three years, many were re-arrested at least once for a new offence. The risks are even higher for those released on probation or parole due to excessive surveillance and monitoring, unwarranted police stops and searches, or because of minor technical violations such as not reporting address change or missing an appointment (see, for example, Phelps, 2016; Werth, 2017). The sad reality is that between 1980 and 2000, the incarceration rate for parole violations increased dramatically, including for technical breaches rather than new offences (Alexander, 2010). It is disheartening that more restrictive policies continue to be enacted that effectively lock out hundreds of thousands of ex-prisoners from having a true opportunity to progress socially or economically. Many ultimately return to prison and are then released again only to find themselves trapped in the same cycle of criminalization stemming from stigma and their permanent pariah status (*ibid*).

This being the case, it must be asked: is the theory of rehabilitation and re-entry in America, which exists on paper, a myth or reality? Based on my observation and experience over the last four decades, I have observed parole eligibility go from one-fifth of our sentence to 85 percent of our sentence. The Pell Grant for college education for incarcerated people was eliminated (Taylor, 2008). Funding and services available for all cognitive, education and self-help programs have shrunk considerably. Eligibility to participate in any of these programs have become restricted to the point that only a fraction of the population meets the criteria to receive the already limited resources.

To add to this lack of opportunity, prison policies and staff have increasingly become more provocative, disrespectful, and frequently adopt dehumanizing and oppressive treatment toward the incarcerated population in Maryland. We do not fare much better in society where the ability to receive public housing, training, jobs, financial assistance and the like have been considerably scaled back (Travis, 2005). Rehabilitation? Re-Entry? The last forty years have been a superficial political and social illusion – a myth!

WHAT IS THE LIVED EXPERIENCE OF AN EX-PRISONER'S 'SECOND CHANCE' IN AMERICA?

America touts itself across the world as the 'land of opportunity', but the concept of opportunity and second chances for many current and former prisoners is a mirage (Travis, 2005). In my 37 years of experience with the criminal justice system, I have interviewed hundreds of recidivists who have expressed major frustration and a sense of hopelessness. While most expressed that they were highly motivated and hopeful when first released, these feelings were quelled when the harsh reality that American society is not as 'forgiving' as it claims and smashed them in the face. What they experience everywhere they turn to is a reminder that they are nothing more than a permanent symbol of their mistake and they are not deserving of another chance.

It is frequently said, "you do your time, you have paid for the crime". The truth of the matter, as observed by Alexander (2010), Visher and Travis (2011), Keller (2014) and others, is that a second chance in America for a criminalized person has only been an illusionary path filled with systematic and perilous social obstacles.

WHAT DOES COMPARATIVE RESEARCH HAVE TO SAY ABOUT A PRISONER'S POTENTIAL FOR REHABILITATION AND RE-ENTRY?

There are many studies clarifying that the theory of rehabilitation is active in some parts of the American criminal justice system, which show the value of education, vocational training and the benefit of many of the cognitive behaviour programs (see Goodman *et al.*, 2017). They also show how such pursuits are undermined because of the fear of crime and need for retribution, alongside constraints stemming from increases to institutional

security, facility overcrowding, gang activity and budgetary issues (Page, 2011). As a result, the concept of rehabilitation and re-entry took a back seat, and was severely minimized and crippled in the criminal justice system. However, I commend the valiant efforts of the many criminal justice reform advocates to re-establish the concept of rehabilitation and re-entry, which is needed to raise the chances of success for a transitioning prisoner. There is still much work to be done. After reading *Criminal Justice: A Comparative Perspective* by Howard (2015), I became more confident that the theory of rehabilitation and re-entry can work in practice and operate in the American criminal justice system if the following four major changes in their criminal justice philosophical approach occur:

1. A shift from a reactionary approach to a preventive approach;
2. Prisoners are humanized in the eyes of others;
3. The intent of prisons must be primarily to re-socialize and re-integrate prisoners; and
4. Society has to meet its promise of giving a criminalized person a second chance and display a true attitude of forgiveness once they have served their sentence.

In several comparative studies of the American criminal justice system and three European nations (i.e. France, Germany and Norway), it was found that the latter approached criminal justice from a preventive methodology. In using this approach, their primary objectives were to consider the humanity of the incarcerated person and to resolve any issues the individual may have so that they will not return to prison. They examine every aspect of the incarcerated person's life with the long-term objective of re-socialization and re-integration (Benko, 2015). In contrast, as an incarcerated citizen warehoused within the American criminal justice system for the last four decades, I along with other prisoners have been reduced from a human to a thing that should be controlled or contained like a wild animal in a zoo. There seems to be no emotional or professional concern for the well-being of the incarcerated person. The idea of rehabilitation has been superficially segregated for a few classified groups. For example, in Maryland, you must be within three years of a release date or anticipated release date to qualify for any cognitive behavioural therapy or vocational training. After 30 years of superficiality, re-entry programs are once again being recognized as a necessary tool for a successful reintegration

into society. Fortunately, for the incarcerated citizen and ex-prisoner, this policy has come to light after enduring the failed social and economic policies of ‘mass incarceration’ and being ‘tough on crime’ (Kelly, 2015).

Let us take the following into consideration: most incarcerated people will return to society. There is, however, a major contrast in the recidivism rate for the European nations compared to the United States. The result is a 3 to 20 percent recidivism rate for European nations, who use the preventive approach, and 68 percent recidivism for the United States which uses the reactionary and punitive approach (Howard, 2015). Furthermore, where statistics show that France, Germany and Norway’s prison population have remained relatively stable, that of the United States went from 350,000 in 1980 to well over two million in 2010 (Alexander, 2010). Therefore, I pose the following question to those executive decision makers in the American criminal justice system: Why do you continue to finance and support a failed approach of criminal justice when there is evidence that the preventative approach has a vastly greater success rate in rehabilitation and re-entry that results in the social redemption of law breakers? Do the penal policies and practices of the European nations noted above not seem more socially and economically sound than those we have here? Is it not the case that the safety of American citizens is a worthier investment than more guns, more police and more jails?

The evidence from other western liberal democracies is staggering. A significant difference can be achieved if the American criminal justice system were to apply the preventative approach. By implementing the principles of humanizing the criminalized, committing to re-socialization and re-integration, and extending true forgiveness and a second chance from society, the theory of rehabilitation and reintegration can come to fruition.

WHAT NEW IDEAS AND METHODS COULD BE DEPLOYED?

There have been many correctional trends over the years that have changed how prisoner rehabilitation is offered through education, vocational training and cognitive behaviour skill development. The European nations noted above have established a preventative model that has succeeded, particularly when compared to the results of incarceration observed in the United States. Here, I emphasize two elements.

First, I propose the concept of rehabilitation and re-entry through transformation. What is rehabilitation and re-entry through transformation? It is a transformation of a current or former prisoner's life circumstances through social and economic investment. The politicians and legislators are always claiming that there is limited funding to address prisoner re-entry. The same billions of dollars that legislators have already allotted to incarcerate should be re-directed and re-invested into opportunities of employment, transitional housing, vocational training and re-entry training centers (Jacobson, 2005; Meiners, 2011). This would present a great opportunity for correctional employees and the incarcerated population to receive additional training to gain new skills and employment opportunities as a result of the change in purpose. It would also have a major effect on the dynamics of the whole criminal justice system from the point of conviction to the point of release. Imagine having the capacity to create employment opportunities that would give each 'transitional person' a job that pays a living wage instead of imprisoning them for tens of thousands of dollars every year. This would create millions of new taxpayers and give ex-prisoners a sense of dignity and responsibility, hope, and stabilize possibly hundreds of thousands of families, while drastically changing the mental, social and economic conditions of this country's oppressed communities from which most criminalized people come from.

American society must create a new vision and hope for its people, one that values the morals, spirit and dignity of a human life over money. The human spirit is priceless and an ever-evolving force that sometime just needs a push toward the light to show it the way. To this end, a second proposal to facilitate rehabilitation and re-entry process is debriefing. This tool is already an intricate part of the American society. For instance, the military uses it to mentally and emotionally alleviate trauma stress, such as war, seeing someone murdered and experiencing the death of someone they loved (Deahl *et al.*, 2000). Incarceration is such a traumatic experience (Medina and Caldwell, 2011). The impact of imprisonment for a short or extended period of time can be devastatingly life changing. Whether you believe it to be justified or not, it has been long established that these human beings are exposed to an abnormal environment where all sorts of problematic thinking and behaviours from the correctional staff and fellow prisoners occur in the same space (Clemmer, 1940; Sykes, 1958). Some have suggested that a single day in prison can drastically change a person's

life (e.g. Fogel, 1993). Imagine having to live within this vicious cycle for five, ten or even more than twenty-five years.

Unfortunately, my life has been a testimony to the affect that this American criminal justice system can have on a person. I have been exposed to this system for 37 years, 28 of them inside of its correctional system walls. I can assure you that my mental and emotional perception of this world, life, and especially justice in America have definitely been changed and affected. Although I have benefited and expanded my knowledge and skill base during my incarceration, I have also been exposed to and experienced abandonment, betrayal, and developed a true understanding of social and legal injustices. I have also been systematically, psychologically, emotionally, and physically oppressed and exposed to vicious violent scenarios of authoritative abuse and unjustified degradation, while striving to preserve my dignity and my freedom.

In addition, I have emotionally been confronted with the social reality of the stigma faced by ex-prisoners, often in name only, and the prejudices and social biases of an unforgiving society. When a returning citizen is subject to such a disappointing experience behind bars, it is my sincere belief that a “debriefing” apparatus must be set up and provided for a person who has been exposed to such an inhumane environment and treatment for an extended period of time.

Therefore, after brainstorming, doing surveys, and using my own experience, I propose the following issues be addressed prior to release and for a period after release:

- Address issues of abandonment, betrayal, feelings about legal injustices, anger and revenge.
- Address issues of hopelessness, personal fears of being released, drug use and homelessness.
- Address issues of socialization adjustment and how to transition prison attitudes to social and current societal attitudes and values.
- For long-term prisoners, implement a 36-month transitional apparatus for any individual who is going through the process of “debriefing” (18 months prior to release and 18 months of aftercare after release).
- Put into action a three-year amnesty for transitioning prisoners to acquire public housing, waive parole and probation fees, and

develop pathways so that the label of ‘criminal’ cannot get attached to one’s identity unless they commit a new offence.

How would this be done in practice? I propose the following avenues be used:

- Psychological evaluation: This test will be used to measure the psychological and emotional stability of the individual prior to their transition back to society.
- Re-socialization interviews and role-playing settings: This will help the incarcerated citizen develop the necessary social skills and learn the etiquettes of re-socialization for their transition from prison to society.
- One-on-one counseling: This will assist with psychological, emotional or social issues that the transitioning incarcerated citizen is dealing with that they do not wish to discuss in open groups.
- Group sessions and discussions with peers: This will provide a safe environment for transitioning incarcerated citizen to share their fears, concerns, and ideas to assist one another while transitioning from prison to society and afterward.
- Family re-integration: This is especially important, so that the transitioning incarcerated citizen can reconnect to their family, and to establish expectations and boundaries in the living environment prior to release.
- Employment readiness training, technological literacy course and re-entry counselling: This will provide access and information to resources for training, skill building, resumes and the like.
- Reporting to a transitional after-case unit upon release: This unit will act as a support, counselling, and referral platform to assist in matters concerning drug use, employment, housing and on other issues that may arise during the first 18 months of release. If need to, this resource will be available for an additional 18 months.

There should also be criteria for access to such supports. I propose the following:

- Any person who has been sentenced to three years of incarceration or more to a state or federal institution.

- Any person that is within three years of an anticipated release or parole date.
- Any person that is within three years of release or anticipated release is the standard criteria to receive this programming in the State of Maryland.

This time period also will give participant sufficient time to acquire a skill, get drug treatment if needed, to obtain any cognitive behaviour program needed or to transition to lower security to possibly obtain employment pre-release. To gain access to such supports, a person ought to also commit themselves to at least 18 months of participation in transitional programming.

Everyone understands that there is a problem with the American criminal justice system at all levels. There is no need to continue to discuss its problems. The above two ideas are my way of creating tools to overcome re-entry barriers that impact millions of American lives.

ENDNOTES

- * Such advocates include Dr. Andrea Cantora (University of Baltimore) and Dr. Marc Howard (Georgetown University).

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