

Book Review

***Prisoner Reentry in the Era of Mass Incarceration.* Daniel P. Mears and Joshua C. Cochran. Thousand Oaks, CA, Sage, 2014.**



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Introduction

Prisoner Reentry in the Era of Mass Incarceration emphasizes how the shifting political, social, economic, and academic landscape in the 1970s, 1980s, and 1990s contributed to the movement away from rehabilitative approaches to crime, to punishment largely focused on retribution, deterrence, and incapacitation. Such a change inevitably led to the mass incarceration of over 2.3 million individuals in America today with an additional 5 million under probation and parole supervision. Despite more punitive punishments and lengthier sentences, mass incarceration presents the problem of mass reentry as more than 93% of offenders will return to society.

Mass incarceration and reentry are important to study as the theories, research, and experiences of those impacted by the criminal justice system provide evidence that current get-tough approaches to crime are more detrimental than beneficial. The get-tough movement has produced: theories that do not address the causes of crime, increased spending and supervision, public dissatisfaction, offender recidivism and racial disparities, overrepresentation of marginalized groups in prisons, victim injustices, broken families, and the deterioration of community conditions. The authors argue that we need to invest in and implement evidence-

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based practices and theories, examine the experiences of offenders and address their needs, progress risk prediction, include practitioner and victim insights, and have government accountability and transparency. Doing so will result in decreased crime, more successful prisoner reentry, an increase in public safety, and provides justice for victims, families, and communities.

Historical Overview of the Get-Tough Era

Mass incarceration did not occur overnight; it was produced by shifting trends in politics, society, the economy, and academia in the 1970s and 1980s. During this time, politicians began the process of politicizing crime as numerous benefits came along with it. Around the same time, moral panics broke out among the public as there were great concerns about crime, drugs, changing cultural norms, and racial groups. Economic fluctuations also contributed to concerns about crime as many people view downturns in the economy as producing increased crime rates. Lastly, academic research published in this time attacked rehabilitation. All of these factors have led politicians and the public to embrace more punitive punishments focused on retribution, deterrence, and incapacitation.

The political shift to conservatism, individualism, and the politicization of crime began in the 1960s with President Lyndon Johnson's Omnibus Crime Control and Safe Streets Act (passed in 1968). Though Johnson's bill initiated the get-tough movement, it would not start to take full effect until the 1970s and 1980s when politicians began to use crime as a cornerstone of their campaigns. Conservatism explained crime through an individualistic perspective where the success and failure of a person was dependent on their own qualities rather than systemic influences. Getting tough on crime, then, became an essential part of running for office as being soft on crime would cost politicians their elections. The 1988 presidential race between George H.W. Bush and Massachusetts Governor Michael Dukakis exemplifies such an ordeal. One of the main running points for Bush was that electing Dukakis was tantamount to voting for more crime. During Dukakis' governorship, he had allowed an offender to be released on furlough and this offender went on to rape a woman during his release. The media, enthralled by such a case, ultimately cost Dukakis his election.

Society's fear of crime has always existed, but during the 1970s, and throughout the 1990s, it greatly increased for numerous reasons. Illegal drug use, especially for crack cocaine, emerged in the 1980s and was linked to violence and the cultural decline of the U.S., creating moral panics among the public. The fear of violent, chronic, and serious offenders also created a panic and changed public attitudes

about crime. Additionally, changing women's roles and racial and ethnic group tensions persisted during this period. Whites became increasingly threatened by minority groups and this is when crime was associated with minorities, especially with Blacks and Hispanics.

While the economy is thought to directly contribute to crime rates, research provides mixed conclusions about this assumption. Studies indicate that there is little association between crime rates and the economy. Instead, it gives insight into how the economy influenced the crack down on crime in other ways. For instance, during the 2000s, the economy experienced a recession, but during this same time crime rates declined. Fluctuations in the economy are more likely to create a fear of crime than actually influence crime rates directly. Economic downturns ripen the social conditions that the public perceives to be the causes of increased crime rates, thus government spending is increased for the criminal justice system as a response.

Research produced by scholars has also had a tremendous impact on politicians and the public's shift to punitive punishments. Robert Martinson's 1974 report is one of the main academic influences that discounted the effectiveness of non-incarcerative sanctions. In particular, it targeted rehabilitation. His report was widely misunderstood by the general public because his findings were interpreted to mean "nothing works." This report reaffirmed the beliefs of the public since they already had doubts about rehabilitation's ability to treat offenders. Coupled with inadequate research on the causes of crime, academic research contributed to the get-tough movement.

The crack down on crime was caused by many political, social, economic, and academic changes that occurred in the 1970s and 1980s. The fear of crime resulted from a changing society and economy. Socially, moral panics occurred because of drugs, violence, changing women's roles, and racial and ethnic group tensions. Economic downturns created the fear that crime would increase and academics provided sufficient evidence that reaffirmed the belief that rehabilitation did not work. All of these factors prompted the public to get tougher on crime through various conservative approaches.

Results of and Problems with the Get-Tough Movement

Without giving considerable thought on how cracking down on crime may produce more costs than benefits, the policy impacts of the get-tough era have translated into a host of unintended adverse consequences for the criminal justice system, offenders, victims, families, and communities. During the get-tough era,

rehabilitation was replaced with retribution, deterrence, and incapacitation to address crime. These punishment philosophies severely undermine the many causes of crime and have led to an increase in supervised populations and costs for the criminal justice system. The effects of the get-tough movement have also: created justice disparities, increased invisible punishments and recidivism rates, reduced rehabilitation for offenders, ignored victims, broken up families, and decreased community conditions. Rather than protecting the public and decreasing crime, get-tough policies have had the opposite effect.

The get-tough movement was based on many atheoretical foundations that resulted in the use of retribution, deterrence, and incapacitation to address crime. Deterrence assumes people are rational and weigh the costs and benefits of committing a crime. In order to deter, a greater emphasis is placed on the costs of offending by increasing the severity, swiftness, and certainty of being caught and convicted. The problems with this theory are that it assumes everyone weighs the costs and benefits of committing crimes the same and it does not consider prior experience with punishment, a person's cognitive abilities, addiction problems, self-control issues, and situational contexts that impact the decision-making process. Retribution, or an "eye for an eye," may make us feel good in the moment by making offenders suffer, but it does nothing to address the causes of crime that are often times connected to family, school, and the community. Lastly, incapacitation alone does not solve the causes of offending. It can decrease, stabilize, or increase criminal behavior through the types of experiences offenders have and the opportunities they are exposed to in prison. Altogether there is no compelling evidence that any of these punishment philosophies have a significant effect on crime. In fact, they can increase rather than decrease crime and recidivism because they do not address the root causes of offending.

Many changes have occurred in the criminal justice system, specifically in sentencing reforms, increases in supervised populations, and increased spending budgets. Sentencing policies have become more punitive as they have moved from indeterminate to determinate sentencing, the development of "Three-strikes" laws, "Truth-in-sentencing laws," changes in handling technical violations, criminalizing drug use, and getting tougher on sex offenders. These policies increase the sentences offenders receive, which has substantially contributed to the growth of prison populations. In 1980, the combined prison population of the state and federal government resided at 500,000, but now exceeds 2.3 million. The probation and parole populations also rose during this time to include more than 5 million individuals. In order for mass incarceration to occur, spending for the criminal justice system had to be increased. The authors note that for law enforcement,

spending went “from \$20 billion to \$100 billion from 1982 to 2006 while spending on the judiciary increased from \$8 billion to \$47 billion during [that] same time period” (p. 29). Although there have been significant increases in spending for criminal justice, there is little to show for it. Studies reveal that it is unclear if the public is more satisfied with the justice system and only a small number of studies indicate that incapacitation has had a diminishing effect on crime rates. Even then, these studies seriously question whether the effects of incapacitation offset the costs of mass incarceration.

The pre, in, and post-prison experiences of offenders reveals that they encounter many challenges directly tied to more punitive policies. Policy and sentencing changes have influenced the pre-prison experiences of offenders as they have targeted marginalized groups. Racial biases in law enforcement and court decisions have resulted in racial disparities where black males are seven times more likely than White males to be incarcerated. Recent increases in the female prison population illustrate racial disparities too as prison growth has been concentrated among Black and Hispanic females. The in-prison experiences of offenders are marked by a lack of prison programming and victimization. In 1997, statistics showed that 73% of offenders received no vocational training and 65% received no educational programming. In addition, verbal, physical, and sexual victimization in prison generate inconclusive results and little improvements for offenders. Post-prison experiences are shaped by the invisible punishments offenders encounter. Even though offenders have served their time, they still carry with them undue burdens when it comes to disenfranchisement, housing, employment, welfare benefits, drugs, mental health, and supervision. Ultimately these experiences endanger the public as offenders resort back to crime due to a lack of rehabilitation and reintegration efforts.

Not only have offenders been impacted by the get-tough movement, but families, communities, and victims have as well. Family ramifications occur with the removal of parents from the household. In some situations, removing abusive parents may be helpful, but in other situations it takes parents away from dependent household members. Instead of having two parents support the family, one may have to take on all the burdens of providing childcare and providing financially for the household. In cases where there is only one parent providing for the family, the incarceration of them severs ties with their children and forces children to go into the foster care system. Communities, especially disadvantaged ones, bear the brunt of mass incarceration as many working-age community members are taken away and, therefore, cannot create families and community ties, take care of children, or finance the community. Furthermore, victims are let

down by the criminal justice system in that they are paid little attention to in terms of what they hope to gain from the justice system.

Mass incarceration is the result of multiple factors that have had adverse consequences for the criminal justice system, offenders, victims, families, and communities. We are spending more money to punish offenders in the hopes it will produce less crime, and while some studies indicate that mass incarceration may have an effect on crime rates, it is not a panacea to the issue of offending. In fact, the authors argue that increased spending, more punitive punishments, and the experiences offenders encounter produced more costs than benefits as recidivism rates have not declined and there has been a decrease in public safety.

What Needs to be Done

The U.S. government has spent enormous amounts of money implementing more punitive responses to crime, but little beneficial effects can be derived from this. The mass incarceration of more than 2.3 million individuals, the addition of more than 5 million under probation and parole supervision, and the mass reentry of 600,000 to 700,000 offenders annually, has resulted in many adverse consequences that affect the criminal justice system, offenders, victims, families, and communities. Mears and Cochran argue that punishment needs to be based on theories and empirical research, offender experiences and challenges need to be addressed, risk prediction methods need to move into the 4th generation, and government accountability and transparency need to occur for lasting beneficial improvements to be made for offenders, victims, families, and communities.

The get-tough movement resulted in the heavy reliance on retribution, deterrence, and incapacitation to deal with crime. The problem with these punishment philosophies is that they do not address the individual and societal causes of crime. Empirical evidence provides justification for deprioritizing these theories as they have shown to have no significant, appreciable effects on decreasing recidivism. Mears and Cochran assert that there needs to be a reimplementation of evidence-based practices through rehabilitation because it provides treatment, services, and assistance needed for offenders to obtain the psychological and social functioning of law-abiding citizens. Incapacitation alone does not reduce recidivism especially when it entails minimal programming, disrupted mental health and drug abuse treatment, inmate abuse and victimization, and a lack of visitation from family and friends. It can reduce recidivism rates when offenders are given appropriate programming and treatment, correctional facilities have a culture of professionalism, abuse and

victimization rarely occur in prison, family ties are supported, and when reentry plans are developed.

The typical offender profile is described as someone being male, Black, forty years old or younger, incarcerated for a violent offense, has had prior encounters with the law, low educational attainment, long unemployment history, a history of drug abuse and mental illness, and comes from a poverty-stricken area. By looking into these characteristics and offender experiences with the criminal justice system, major policy and program implications can be derived in six major areas. The first suggests that supervision, assistance, and preparation is needed at all levels of the prison experience. Second, ample educational and occupational opportunities must be provided so offenders can better themselves because many lack educations and have long histories of unemployment. Third, housing accommodations need to be reviewed to ensure prisoners reentering society do not become homeless, and by virtue resort back to crime to provide for themselves. Fourth, inmate health disparities need to be addressed, especially when these health issues contribute to criminal behaviors hindering an offender's ability to fully reintegrate back into society. Fifth, offenders often times lack decision making and life skills that initiated their original contact with the criminal justice system. This can be addressed through the use of cognitive-behavioral interventions. Lastly, social support is crucial in the reentry process. Family and friends should be worked with to devise plans on how to stay in contact with and support an inmate while in prison and once released.

Another way in which more cost-effective interventions can produce the greatest amount of gains possible is through the use of risk prediction. Current risk prediction methods allow scholars to make probabilistic predictions about an offender's probability of reoffending. Throughout the years, risk prediction methods have gone through four generations that focused on the different aspects of offenders. Mears and Cochran advocate for advancements to be made in risk prediction so that current methods are integrated into the fourth generation. This risk prediction generation not only looks at those most likely to recidivate, but also tells us how to best address their criminogenic needs through intervention strategies. Doing so targets the known predictors of crime.

Overall, government accountability and transparency are needed to see things actually change. The government should focus on using evidence-based practices and creating transparency in their implementation and treatment of those who come into contact with the criminal justice system. This will result in improved prison and societal experiences and outcomes as offenders' criminogenic needs are met, practitioner insights are incorporated to produce knowledge on what works,

victims receive parallel justice where their own views are taken into consideration in the imposition of punishments, and family and community needs are addressed.

About the Author

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