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1

Introduction

VIEWING CRIME AND PUBLIC SAFETY THROUGH THE REENTRY LENS

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Overview

One consequence of the fourfold increase in the per-capita rate of incarceration in America is a parallel growth in the number of individuals released from the nation's prisons. In 2001, approximately 630,000 prisoners were released from the nation's state and federal penitentiaries to return home, 4 times more than the number who made similar journeys 20 years ago (Harrison and Karberg 2003). The increased use of imprisonment as a response to crime has received considerable attention in academic circles, among policymakers, and within the general public. There have been spirited debates over the wisdom of indeterminate sentencing, the value of sentencing guidelines, the abolition of parole boards, the emergence of private prisons, the benefits of "three-strikes" laws, the impact of incarceration on racial minorities, and the cost-effectiveness of the network of state and federal prisons constructed to house over a million inmates. Until recently, however, little attention has been paid to one immutable result of building more prisons, namely the reality that more prisoners will be returning home each year.

Recent years have witnessed an explosion of interest in the phenomenon of "prisoner reentry." Within policy circles, all levels of government have been engaged in sustained examinations of the reentry issue. In his 2004 State of the Union address, President Bush called for a 4-year, \$300 million federal initiative to provide jobs, transitional housing, and community support to the nation's returning prisoners, reminding his audience that America is the "land of the second chance" (January 20, 2004). This new program would build upon an existing \$100 million federal effort supporting the development of new reentry strategies in all 50 states. The Council

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Prisoner Reentry and Crime in America

of State Governments has created the Reentry Policy Council, representing all three branches of government and drawing on the expertise of a wide assortment of practitioners, with a mission to develop a consensus document recommending policies that will improve outcomes for returning prisoners, their families, and their communities. The National Governors Association has established a Reentry Policy Academy, selecting 7 states to work collaboratively to develop state policies to enhance the reentry process. Asserting that the flow of prisoners back to their cities has harmful effects, particularly on neighborhoods already disadvantaged, mayors of a number of cities, including Chicago, Oakland, Fort Wayne, Houston, Cleveland, and Boston, have announced that improving the reentry process is a priority for their administrations.

Interest in prisoner reentry as a research topic is also high. In August 2001, *Crime and Delinquency* devoted an entire issue to the subject. The Russell Sage Foundation funded research in four states to document the impact of incarceration on employment. A prominent scholar of the U.S. correctional system, Joan Petersilia, wrote the first book devoted to the topic of reentry, *When Prisoners Come Home: Parole and Prisoner Reentry*, published by Oxford University Press. By early 2005, an informal count reveals that close to a dozen other books and edited volumes are in production. The Urban Institute created the Reentry Roundtable, a group of prominent academics, practitioners, and community leaders who explore the intersections between the reentry phenomenon and other policy domains such as housing, health care, employment, policing, and community development. The Institute has also launched a longitudinal study in four states called *Returning Home* to document the reentry experience from the perspectives of the individual prisoner, his or her family, and communities with large concentrations of returning prisoners.

This book is intended to shed light on a critical question that fuels the public's concern about the large number of returning prisoners, shapes the policies of elected officials, and remains largely unaddressed in the research literature: What are the public safety consequences of the fourfold increase in the number of individuals entering and leaving the nation's prisons each year? There has been considerable speculation about the nexus between prisoner reentry and crime rates. Journalistic accounts of the reentry phenomenon have painted a picture of a tidal wave of hardened criminals coming back home to resume their destructive lifestyles. Law enforcement officials have attributed increases in violence in their communities to the influx of returning prisoners. Politicians have recommended policies that keep

Introduction

former prisoners out of high crime neighborhoods in the belief that crime would be reduced.

With generous support from the Harry F. Guggenheim Foundation, we convened a group of scholars to address the public safety dimensions of prisoner reentry. In our deliberations, we quickly realized that the question is not a simple one. For example, a discussion of the characteristics and size of the reentry cohort would be incomplete without an analysis of the changing profile of the entry cohort, the population going into prison. Similarly, an analysis of the contributions of former prisoners to local crime rates would necessarily require an analysis of the crime reduction effects of the imprisonment of those individuals. Furthermore, the substantial increases in rates of incarceration should be understood from the perspective of the communities most affected to determine whether the reality of mass incarceration weakens the local networks of social control that constrain antisocial behavior. Finally, we realized that an analysis of the nexus between prisoner reentry and crime would be incomplete without placing the incarceration experience in the context of the longer processes of desistance from criminal activity and, in turn, examining the role of other factors, particularly family structures and employment experiences, that might influence the behavior of former prisoners. In short, we came to the conclusion that exploring the nexus between prisoner reentry and crime would require a number of distinct intellectual inquiries. To conduct those inquiries, we solicited as partners the distinguished scholars who have written the chapters that make up this book.

Reentry, Recidivism, and Public Safety

This book explores the intersection of three distinct phenomena – the large numbers of individuals leaving prison, their criminal behavior following their release, and the public's sense of safety. These complex phenomena are sometimes captured in the shorthand phrases reentry, recidivism, and public safety. Before proceeding with a preview of the book's chapters, we should consider the contours of these concepts.

Reentry

We define *reentry* as the inevitable consequence of incarceration. With the exception of those who die of natural causes or are executed, everyone placed in confinement is eventually released. Reentry is not a legal

Prisoner Reentry and Crime in America

status. Indeed, as we shall see, not all state prisoners are released to parole supervision; many are released directly into the community with no continuing obligation to observe special conditions of their release. Nor is reentry a new kind of program. Certainly, the pathways of reentry can be influenced by such factors as the prisoner's participation in drug treatment, literacy classes, religious organizations, or prison industries, but reentry is not a result of program participation. Reentry happens when incarceration ends. In other words, for those who are incarcerated, reentry is not an option.

In this broad definition, reentry is experienced by individuals sent to either jail or prison, federal or state facilities, as adults or juveniles. In the chapters that follow, our focus will be primarily on adults sent to state prisons and the impact of their release from prison on public safety. By adopting this focus, we do not imply that jails, juvenile facilities, and federal prisons have no responsibility for promoting public safety. On the contrary, we believe that an examination of the safety dimensions of reentry from these institutions would be enormously valuable. Far more people leave county jails each year than leave state and federal prisons – nearly 7 million, compared to 630,000 (Hammett, Roberts, and Kennedy 2001; Harrison and Karberg 2003). Given the volume of jail releases, any diminution in their criminal activity could result in significant improvements in public safety. Unfortunately, there has been little research on the impact of jail reentry on public safety. Similarly, although the volume of discharges from juvenile facilities is much smaller (about 100,000 a year), the clear nexus between juvenile justice involvement and adult criminal activity argue for an examination of juvenile reentry from a public safety perspective (Sickmund 2002). We applaud those who have studied juvenile aftercare and have applied some of the new reentry perspectives to the unique challenges of adolescent development (Altschuler and Brash 2004; Mears and Travis 2004). Finally, we focus our attention on state prisons and only occasionally refer to the experiences of federal prisoners. Although federal prisoners are less likely than their state counterparts to be convicted of crimes of violence and be rearrested for crimes of violence, the growth of the federal criminal justice system and the blurred boundaries between federal and state crimes make an exploration of the public safety impact of federal prisoner reentry a compelling research priority.

Our focus on reentry from state prisons has the important benefit of raising profound questions of social policy, questions that apply with equal

Introduction

force to an examination of jails, juvenile incarceration, and the federal justice system. The growth of the state prison population reflects a pronounced policy shift regarding the use of incarceration as a response to crime. State prisoners have been removed in large numbers, from a small number of neighborhoods, for long periods, with uncertain effects on families and communities left behind. While in prison, they frequently participate in programs designed to reduce the likelihood they will return to crime after getting out of prison. Most released prisoners are subject to supervision by agencies that seek to reduce the safety risk they pose to the public. Questions regarding the efficacy of public policies on the use of incarceration, treatment of those incarcerated, and supervision of individuals who have violated the law cut across all system boundaries. In this book, we hope to shed light on policies that have cast a long shadow over the broad landscape of incarceration and reentry in America.

Recidivism

A touchstone performance indicator for the criminal justice system has been the rate of “recidivism” – or reoffending – of individuals whose cases have been processed by the system. Sometimes, entire institutions such as prisons are evaluated by their recidivism rates, as when corrections directors claim credit if recidivism rates are lower this year than last. Similarly, directors of individual programs such as drug treatment, job training, anger management, or parenting classes are frequently asked whether the recidivism rates of their participants are lower than those of a comparison group. And on the broadest scale, the changes in recidivism rates for large samples of released prisoners, marked in studies by the Bureau of Justice Statistics (BJS), are scrutinized by the national press and policy analysts to ascertain whether the individuals coming out of prison today are more or less likely to reoffend than their counterparts from an earlier period of time.

Unfortunately, this key indicator of criminal justice performance is difficult to measure accurately. Whether released prisoners commit crimes is largely unobservable, requiring researchers and practitioners to turn to official records of criminal behavior, primarily police arrest records. Although the chapters in this book most frequently use arrest data as indicators of the criminal behavior of released prisoners, we recognize the limitations of a reliance on arrest records. By encompassing only behavior that is brought

Prisoner Reentry and Crime in America

to police attention and warrants police action, this definition captures neither unreported crimes nor reported crimes that do not result in arrests. It may also over-count crimes committed by individuals known to the police. Ideally, these official measures would be augmented by self-report surveys in which respondents would report conduct that can be characterized as violating the criminal laws. But these surveys are quite expensive and limited in scope. Notwithstanding these limitations, we rely principally on arrest records as the basis for measuring recidivism.

We recognize that some colleagues embrace definitions of recidivism that are broader or narrower. Some define recidivism as including only those arrests that lead to criminal convictions. Although this construct reflects a high concern for legal accuracy, it significantly understates the level of criminal activity in the community. Defining recidivism as including only those arrests that result in successful prosecutions would superimpose upon our measure of criminal behavior all the vagaries of the criminal justice system that stand between arrest and conviction. Other definitions of recidivism count only those prisoners who return to prison, either on a new arrest or for a parole violation. This metric is highly misleading because it does not include arrests that do not result in a new prison sentence, thereby discounting the reality of crime on the streets. Second, by including returns to prison for parole violations, this definition embraces a category of prison returns that is highly susceptible to policy influence. Compare, for example, State A, which places only half of its released prisoners on parole supervision and returns none of them to prison for technical violations of parole, with State B, which places all released prisoners on parole and aggressively returns them to prison for even minor parole violations. State B will have a higher recidivism rate, not due to differences in the behavior of its former prisoners, but because of policy choices it made. This definition makes cross-state comparisons of recidivism rates virtually impossible. More important, it captures misconduct such as technical parole violations that cannot be considered criminal.

Accordingly, we prefer to define recidivism as an arrest for a new crime. This formulation is particularly valuable for a book on prisoner reentry because it allows us to distinguish between arrests for new crimes, convictions resulting from those arrests, returns to prison for new convictions, and returns to prison for parole violations. In our view, only the first of these constitutes recidivism; the second and third reflect court decisions; the fourth reflects a combination of sentencing policy, parole enforcement practices, and parolee behavior.

Introduction

Public Safety

Although recidivism is clearly an important indicator of criminal justice system effectiveness, we would argue that the broader term *public safety* should be seen as the ultimate measure of the impact of incarceration and reentry. Recidivism is, after all, an individual measure of reoffending. Men and women who are released from prison do, or do not, commit new crimes, and those individual acts, when they result in arrests, are aggregated to create a rate of recidivism. That rate may change over time, may be different for different subgroups, and may vary according to geographic community. But the phrase *public safety* captures a different quality, one that is more integral to the functioning of communities and reflects the collective sense of well-being beyond the aggregation of individual behaviors (Smith 1999).

Some examples may illustrate the difference. The arrest of a rapist may provide peace of mind to his victims and a sense of relief in the community he has terrorized. When he is released from prison, however, those victims and the broader community may feel unsafe, even though, over time, his rate of reoffending is low or even nonexistent. A gang member imprisoned for crimes of violence may return to resume command over a criminal enterprise, harming the safety of the community, even though he is not rearrested for another crime. In these examples, public safety is affected by prisoner reentry in ways not measured by recidivism data. Certainly, policies governing the reentry process would be more effective if they enhanced the sense of safety, even though the yield in recidivism reduction might be negligible.

Public safety can be affected in other ways by a state's reentry policies. For example, a state that adopts a "zero tolerance" policy regarding technical violations of parole conditions may find itself balancing the twin goals of recidivism reduction and safety enhancement. Returning a parolee to prison for minor infractions may have little impact on recidivism rates. But a widespread policy of revoking the parole status of large numbers of parolees for minor infractions and removing them for short, unproductive stints in prison may be highly destabilizing to communities where many parolees live, ultimately creating a sense that the state is capriciously depriving citizens of their liberty without regard for the long-term consequences. In such a scenario, the sense of public safety may be undermined, not enhanced, by the actions of the state.

Finally, the concept of public safety provides a useful framework for understanding the net effects of the current policies that result in the arrest,

Prisoner Reentry and Crime in America

removal, incarceration, and return of large numbers of individuals, mostly men, from a small number of communities in America. One hypothesis being tested by researchers is that these policies, originally justified in part on their crime reduction effects, are actually having the opposite impact. In this theory, the cycle of removal and return has so weakened the social networks and institutions that prevent crime – such as families, work, and community organizations – that crime rates actually increase (Clear and Rose et al. 2003). Testing this hypothesis requires more than recidivism measures and more than crime analysis. Ultimately, the key measure is the ways that communities and families function and, in large part, their sense of safety in their relationships with each other.

Data Sources

In preparing this book, the chapter authors were fortunate that BJS had just released its analysis of the recidivism rates of a sampled cohort of prisoners released from 15 state prisons in 1994. This study, which parallels a similar study of a cohort released from 11 state prisons in 1983, provided a rich data set that was extremely useful for the research conducted for some of the chapters of this book. We acknowledge our indebtedness to BJS for collecting these data and making them publicly available (Beck and Shipley 1989; Langan and Levin 2002).

In sum, the new BJS recidivism study found that, within 3 years of their release from prison, 68 percent of state prisoners were rearrested for one or more serious crimes, 47 percent were convicted of new offenses, and 52 percent were returned to prison. One headline conclusion reported in the popular media was that, because the recidivism rate had increased from the 63 percent rate found in the 1983 study, prisons were failing in their mission to rehabilitate inmates. Others have concluded that a closer comparison between the two studies yields more similarities than differences. The more salient observation may be that too much had changed in the intervening years to allow either inference. Prison populations had increased significantly, reflecting both increases in sentence length and in new admissions. The profile of incoming prisoners had changed substantially, mostly due to changes in arrest patterns for drug offenses. Between these years, the crack epidemic hit urban America hard, contributing to a sharp rise in violence, and then peaked and declined substantially. When the second BJS recidivism study was conducted, the country was experiencing a substantial economic expansion, raising employment levels of low-skilled

Introduction

workers, an economic climate that, if anything, would result in lower rates of recidivism.

But the most important difference between the two time periods was the growth in the size of the annual reentry cohorts. In 1983, 226,000 state and federal prisoners were released. In 1994, 457,000 were released (Harrison 2000). The rise in the prison population over these years had led to a substantial increase in the reentry population, placing new strains on the system of postrelease supervision. This flow of large numbers of individuals, mostly men, was concentrated in a small number of communities, in essence requiring those burdened service networks and social institutions to take on additional responsibilities of reintegrating large numbers of returning prisoners. In addition, the methods of release from prison had changed, as the nation moved away from discretionary release by parole boards toward mandatory release by operation of law (Travis and Lawrence 2002). Finally, the system of supervision had undergone a gradual shift from a service orientation to a more enforcement orientation, as witnessed by the increase in parole revocations from 59,000 in 1983 to 171,000 in 1994 (Rice and Harrison 2000). In short, the scale, philosophy, and operations of the interlocking systems of sentencing, incarceration, release, and supervision had changed profoundly in little over a decade, making comparisons between the recidivism rates of the two release cohorts nearly impossible.

To understand the impact of these changes in the phenomenon of prisoner reentry, we look at the *flow* of prisoners rather than the *stock* of the prison population. This perspective necessarily presents a different profile of the population. In a flow analysis, prisoners serving short sentences will be represented in greater portions than those who serve longer sentences, whereas in a stock analysis, the longer-term prisoners will figure more prominently. A flow perspective will highlight the phenomenon Lynch and Sabol (2001) aptly call *churning*, namely the large number of prisoners who cycle in and out of prison serving short sentences, getting released, then returning a few months later on another charge or for a parole violation only to be released again in a matter of months. Viewing the prison population through the reentry lens allows researchers and policymakers to focus on the distinctive attributes of the churners who now constitute a large share of those in prison, on supervision, and entering the front doors of the nation's correctional institutions.

In addition to the BJS data on recidivism rates, these chapters draw on two other BJS data series. The Survey of Inmates in State and Federal

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Correctional Facilities, based on a nationally representative sample of inmates about every 5 years, provides self-reported data on information about the current and past offenses of inmates, their sentences, prior use of drugs and alcohol, medical and mental health conditions, family background, use of firearms, and characteristics of the victims of their crimes (Bonczar 2003). But, because our interest is in reentry, not simply describing the state of the prison population, the authors configure the data to reflect the movement of prisoners, not a portrait of the prison population. Second, the Annual Probation and Parole Data Surveys collect counts of the total number of persons supervised in the community on January 1 and December 31 and a count of the number entering and leaving supervision during the collection year (Glaze 2003).

These BJS data provide the best systematic information available on characteristics of persons released from state prisons, their supervision conditions, and their success or failure after release. Unfortunately, these data have limitations. First, as discussed, official measures of repeat offending are an imperfect indicator of postrelease criminal activity. Arrest rates are known to be higher among some subgroups who are subject to greater police attention, including young minority men, persons who have previous arrests, and those who reside in high-crime neighborhoods (Sampson and Lauritsen 1997). Second, data describing the population of persons released each year from state prisons are limited to persons incarcerated in 38 states with a sentence length of 1 year or more. Additionally, although the individual-level data include demographics, educational attainment, and incarceration histories, including current offenses and total time served, it does not capture their medical histories, receipt of health or educational services during incarceration, or the circumstances of their return to the community (e.g., housing or employment) (Hughes, Wilson, and Beck 2001). Additional information about the characteristics of ex-prisoners would seem to be critical for policy purposes, such as informing local law enforcement about recently released prisoners or estimating local demand for mental health and substance abuse treatment for this population. The characteristics of a reentry cohort must be estimated from existing sources, as Joan Petersilia does in her analysis for this book when she uses the BJS Inmate Survey and examines only those prisoners who are to be released within 12 months. Third, for reasons discussed, tremendous variation exists among the states in the population of state prisoners, those released, and those on supervision. Local communities focusing on prisoner reentry issues need current information from their state correctional agencies; national