The Problem of Prisoner (Re)Entry
When Prisoners Come Home: Parole and Prisoner Reentry by Joan Petersilia; But They All Come Back: Facing the Challenges of Prisoner Reentry by Jeremy Travis; Prisoner Reentry and Crime in America by Jeremy Travis; Christy Visher
Review by: Shawn D. Bushway
Contemporary Sociology, Vol. 35, No. 6 (Nov., 2006), pp. 562-565
Published by: American Sociological Association
Stable URL: http://www.jstor.org/stable/30045994
Accessed: 08/03/2012 15:36
Regardless of whether you think prisons are a productive use of public funds or not, the simple fact is that 93% of all people sent to prison “reenter” society at some point. And, at that point of reentry, they are at very high risk for crime. According to a study by the Bureau of Justice Statistics, 68% of all people released from state prisons are rearrested within three years, with almost half (43%) of those rearrests occurring in the first six months after release (Langan and Levin 2002). Although this fact is not new, until recently there was very little interest in the problem of reentry. In fact, I remember how, after completing my dissertation on the employment problems faced by ex-felons in 1996, I was actively counseled to move onto more relevant topics.

Starting in 1999, there was an explosion of interest in the topic. Part of the explanation is that the four-fold increase in prisoners since the 1970s has resulted in a four-fold increase in the number of prisoners returning from state prison—now over 600,000 a year. Because they are returning during a period with the lowest crime rates in modern U.S. history, these newly reentering prisoners account for nearly 20% of total arrests, according to Rosenfeld, Wallman, and Fornango’s chapter in Travis and Visher (2005). Moreover, this population is disproportionately male, poor, and minority and they are returning primarily to urban places of concentrated disadvantage. These numbers of prisoners are now large enough to play an important role in the story of racial disparity and disadvantage in the affected neighborhoods and in the country as a whole (Clear, Waring and Scully in Travis and Visher 2005).

These three books are unique in that while they are a response to the explosion in interest, they are written by people who were partly responsible for this explosion of interest. Joan Petersilia is the preeminent scholar on parole and probation in the United States. She brings this expertise to her book, which was the first comprehensive treatment of problem of reentry. It is remarkable for the clarity with which it articulates the problem of reentry. Jeremy Travis offers a different perspective as both a lawyer and a policy maker. First as director of the National Institute of Justice (NIJ), then as Urban Institute senior research fellow and now as president of John Jay College of Criminal Justice, Travis has led a politically adept crusade to engage the public, policymakers, and researchers in the topic of reentry. Travis’s book builds on the work of Petersilia and provides a more detailed description of the circumstances that led to the current state of incarceration and release in this country. Travis has been aided in his work by sociologist Christy Visher who worked with Travis at both NIJ and the Urban Institute, and is the lead researcher on the first major research project on prisoner reentry entitled Returning Home. The book edited by Travis and Visher presents detailed articles on a number of issues related to reentry by leading economists, criminologists, psychologists, and sociologists. These individual articles are more focused on specific issues, and do not offer the recommendations that drive the books of Petersilia and Travis. They will probably appeal more to the academic researcher, who occasionally might be frustrated by Petersilia and Travis’s

*Contemporary Sociology 35, 6*
commendable desire to stay focused on the big picture.

Although they differ somewhat in their points of emphasis, there is a substantial agreement in the policy recommendations made by both Petersilia and Travis. Both recommend focusing on reentry at multiple phases of the reentry process, starting in prison with programs that help prepare prisoners for successful reentry and bridge to the community upon release. They also recommend a return to a risk-based discretionary release policy, with increased supervision for the highest risk offenders at the point of release and a mix of community and institutional support services for reentry in a number of domains, including employment, housing, family issues, and drug treatment. In this model, parole revocations, which now account for a third of all prison entries, would be reserved for those who are direct threats to public safety, and people could earn their way off of supervision by prosocial behavior.

It is striking to read the Second Chance Act Bill on prisoner reentry now before both the U.S. Senate and House after reading these two books—the Act, which authorizes up to 100 million dollars in grants for state demonstration programs on prison reentry, supports initiatives that follow exactly the proposals outlined in these two books. This fact speaks to both the intuitive appeal of these ideas and the influence that these two authors have in the policy process. It is also somewhat worrisome because the recommendations are quite sweeping and often based on very little empirical evidence. To their credit, both authors acknowledge this problem and strongly advocate for additional research on this topic. Nonetheless, the lack of research on the effectiveness of the programs and institutions that deal with ex-prisoners is shocking and a bit embarrassing. On a positive note, however, the sharp variation across the states in policy practices provide plenty of opportunities for research on how these policies affect public safety. Blumstein and Beck’s article in the Travis and Visher volume documents these differences in release and revocation policies across states. For example, in the six years following a 1995 release, 35% of California releasees were recommitted three or more times. In contrast, only 3.3% of Florida’s releasees were recommitted three or more times.

My other concern with the recommendations is that they are developed without a formal discussion about the process of desistance (see Maruna and Toch for one such discussion in Travis and Visher). A thorough understanding of the process of desistance should theoretically guide the process of reentry. We conceivably might have one set of reentry processes if we believed that human agency and identity played a central role and another one altogether if we believed that indirect social control was the primary driver for desistance. While Petersilia and Travis refer to both concepts, their recommendations do not rely on any one theoretical approach. Given the lack of consensus about what exactly causes desistance, perhaps this is wise (Blokland and Nieuwbeerta 2005). On the other hand, I fear that some interventions could backfire or work at cross-purposes without a more thorough understanding of desistance. At the very least, the problem of reentry makes the need to develop a better theoretical understanding of the process of desistance more urgent.

Travis and Petersilia both focus on the movement to a determinate sentencing policy during the last two decades as a key part of the reentry problem. This focus can be justified because of the direct impact the change has had on the reentry process. In 1976, 65% of all releases from prison were discretionary decisions, made by parole boards. In 1999, that number had dropped to 24%. Now, 20% of all people who exit prison have maxed out their prison terms, and are released without supervision. Often these are the most violent and problematic prisoners. There has also been a large increase in revocations among those released on parole. According to Blumstein and Beck’s article in Travis and Visher, 40% of the growth in prison populations since 1990 can be attributed to parole revocations. These recommendations are in part a direct appeal to reverse these larger trends in the criminal justice system to solve the problem of reentry. However, Travis and Petersilia may overstate the value of indeterminate sentencing. Indeterminate sentencing has many critics, especially since it can lead to large disparities in sentences for reasons that are not clear to outsiders. And, the abolishment of discretionary release did not by itself
lead to longer sentences—the longer sentences come directly from legislated increases in statutory minimums, which have always been part of indeterminate sentencing (Blumstein and Beck 2005).

I also believe that both Petersilia and Travis spend too much time on the issue of increased incarceration. Although beginning with a pledge to take the current state of imprisonment in America as a given, Travis often criticizes incarceration as a response to crime. In the introduction, he states that his book "documents the deep harms attributable to our current imprisonment policies" (p. xxi). Petersilia is perhaps more careful to be balanced in her book, but her conviction regarding the harm of prison is clear. For example, in her conclusion, she states that "imprisonment has produced a contagion effect. In a real sense, the criminal justice system has contributed to the very crime situation it seeks to address" (p. 225).

Maruna and Toch's article in Travis and Visher (2005), entitled "The Impact of Imprisonment on the Desistant Process" directly challenges this point of view. Their review of the research finds that "something of a passive consensus has been reached in both the basic science on criminal careers and the more applied research on the effects of incarceration that the experience of imprisonment is largely irrelevant to the subsequent offending patterns of individuals" (p. 139). So, what supports the position of both Petersilia and Travis that prison is criminogenic?

One possibility is the many explicit bans on housing, employment and voting for ex-felons. Yet, Bureau of Justice Statistics data from the recent recidivism study shows that over 80% of all prisoners have at least one prior felony conviction BEFORE their current prison term (Langan and Levin 2002); most ex-prisoners are ex-felons before they are ex-prisoners. As a result, prison by itself adds nothing to the employment, housing, and voting restrictions facing most individuals as they leave prison, and therefore cannot directly lead to increased crime.

But what about research that prisoners face earning penalties relative to even other ex-felons? Both Petersilia and Travis (as well as the article on work by Uggen, Wakefield, and Western in Travis and Visher 2005) rely heavily on research by the economist Jeffrey Kling to support the claim made repeatedly in both books that prisoners suffer a 10% to 30% decline in earnings as a result of the prison experience. They specifically cite two articles, a review piece by Western, Kling and Weiman (2001) and an article by Kling which has been circulating in working paper form since 1999, but has just appeared in the American Economic Review. The Western et al. review itself focuses on the Kling working paper. They state:

The results show that incarceration has surprisingly little effect on employment in comparison to those who are not incarcerated. . . . Furthermore, employment rates for those with longer sentences rebound just as quickly to preconviction levels as those with similar characteristics but shorter sentences. Negative earnings effects are more pronounced and are concentrated among white collar criminals, who earn 10% to 30% less after 5 to 8 years than those who were convicted at the same time but not incarcerated. Violent and drug offenders have very low earnings in the legitimate sector overall, but these earnings appear to increase over the long term after release from prison and do not vary with the length of the prison term. (P. 419)

The key here is that the unqualified claim by both Travis and Petersilia that earnings drop 10–30% for incarcerated offenders is actually based on results for white collar criminals. Moreover, the same research shows that violent and drug offenders, roughly 70% of all prisoners, appear to experience an increase in earnings after imprisonment. Other papers by Sabol (forthcoming), Pettit and Lyons (forthcoming), Cho and LaLonde (2005) also show short term gains in employment and earnings after incarceration using official record data.

These findings reflect the fact that most people who end up in prison have very poor outcomes across most dimensions BEFORE they enter prison, a fact that Petersilia documents clearly in her second chapter. Close to 70% are high school dropouts, for example, and the vast majority report use of illegal drugs prior to their present incarceration. Studies of employment for incarcerated offenders using official data find employment rates around 30% in the quarter before incar-
ceration (far below the 57% self-reported rate), a figure which includes part-time (but not informal) work. Western and Pettit (2005) show that there has been no change in the percentage of black men in the labor force since 1980. The U.S. has not been incarcerating employed men, but rather the unemployed and detached workers who were marginalized by the economic restructuring of the 1970s and who were most susceptible to the lures of the drug markets that grew up around crack cocaine in the 1980s.

As a result, I believe the discussion about reentry is misleading in its focus on the need to re integrate prisoners into the community. Prison did not cause these individuals to lose their integration with the community—they were not integrated before they entered prison. And if the issue for ex-prisoners is the lack of integration, then there is less of a justification for focusing on ex-prisoners as a separate class. The millions of people who serve time in jail and who are sentenced to probation also need to be better integrated. All criminal justice policy, not just the ones that deal with prisoners, needs to do a better job of reconciling the need for punishment with the reality that “they all stay here.”

Perhaps that is the ultimate goal of reformers like Petersilia and Travis. At a time when it was impossible to have a direct public discussion about harsh prison punishments and collateral consequences, they helped initiate a conversation about prisoner reentry, relying on the unfailing power of the realization that “they all come back.” But perhaps they have always known that any discussion about reentry must lead to a larger conversation about the role of every actor of the criminal justice system, including but not limited to prisons. If so, then the real lesson of the reentry discussion is that the criminal justice system must serve multiple needs, including punishment, equity, and public safety. These are competing needs, and they need to be balanced against each other. A general criticism of public policy and both theoretical and empirical research in criminal justice is that most approaches focus on only one dimension at a time. This leads to the type of perverse and unintended consequences that came as a result of the determinate sentencing movement.

The good news is that the criminal justice system itself need not meet all of these needs. There are existing government and non-governmental resources in most communities which are specifically aimed at integrating individuals into the larger community. This reduces the role of the criminal justice system to dealing with the special needs, including public safety, which ex-offenders have relative to other members of the community. But the criminal justice system does need to link and connect to these other community institutions if the system wants to contribute to the task of integration. This need for the criminal justice system to focus on the integration of these offenders into the larger community in addition to punishment is a central message running through all three books and in my experience, a major lesson from any discussion about reentry.

References