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#### Abstract

Recidivism is an ongoing crisis in the U.S that only exacerbates the overcrowding issue faced by many correctional facilities. People who suffer from mental illness, addiction or marginalization are the most likely to be incarcerated. Offenders suffering from mental illness, addiction, or marginalization are also the most likely to reoffend. Offenders are released into society only to find themselves stuck in a cycle that leads them back to prison. As of 2021 76.6% of offenders in the U.S will reoffend within five years of their release into society (Benecchi). I will take a closer look at why over 70% of offenders in America are placed back in a system that failed to rehabilitate them the first time. I want to investigate the reentry programs, educational reforms, and second chance programs offered to offenders in the U.S. Focusing on ways to relay the importance of an offender's successful reentry to families, employers, and taxpayers, I wish to show how essential it is that inmates are receiving proper rehabilitative care. I will advocate policy changes for the availability of transferable education, health care, support groups, addiction counseling, and job connections to inmates.

#### The Love Doctrine: Reducing Recidivism in America

It was not until a couple years ago that I found out my grandfather went to prison. During my junior year of high school my criminal justice class went on a field trip to Brushy Mountain Penitentiary. Brushy Mountain was a maximum-security prison that held some of the most violent offenders in Tennessee. Before signing the permission slip, my father told me that his father spent five years of his life in that very prison. I had a decision to make. Would I view my grandfather as the man who took my cousins and me on beach trips and cooked us breakfast on Saturday mornings, or would I see him as a violent offender at Brushy Mountain? I never knew my grandfather as an offender. I only knew him as a man that loved his grandchildren the best he knew how. I decided that he made a mistake, and my only option was to love him the way he had always loved me. Unlike many other prisoners, my grandfather never re-offended because he

had the support and love of his community and family. My grandfather found a job shortly after his release and was supported by his brothers until he was able to support himself.

The United States is known for its deep national pride but leading the world in mass incarceration and recidivism is not something it should be proud of. The expense of the criminal justice system and its recidivism rate are closely related to the overcrowding of U.S. correctional facilities. Because of recidivism, which is the relapse of criminal behavior, offenders find themselves back in prison only a few years after their release. The U.S. is failing its citizens and communities. The criminal justice system has failed to properly rehabilitate offenders to enter society as contributing members. Due to a combination of problems contributing to overcrowding, including mental health, systematic racism, and lack of education, inmates are being pushed through the system without gaining the resources and skills they need to stay out of prison. The United States has only recently begun to recognize the effectiveness of community-based rehabilitation rather than the punitive system it has enforced for decades. A community-based rehabilitation approach focuses on placing offenders in direct contact with their communities while keeping them out of prison. Offenders would be interacting with communities under strict criminal justice supervision. Instead of inmates sitting in prison, they would be interacting with communities by maintaining employment, engaging in community support groups, and seeking mental health and addiction care within the community. Reentry programs, second chance programs, prison educational programs, and problem-solving courts are community-based rehabilitation practices the criminal justice system can focus on to equip offenders with skills, opportunities, and support systems needed to successfully connect with their communities and exit the recidivism cycle. While community centered rehabilitation may not be the best option for violent offenders, the violent offenders should be offered rehabilitation during

their sentencing through educational opportunities, mental health and addiction counseling, and establishing support for community reentry with welfare programs such as Medicare/Medicaid and food stamps. Emphasizing a community-based rehabilitation process could decrease the recidivism cycle.

Before the 1970s America's justice system focused on rehabilitating offenders rather than simply punishing them. In the early 70s a sociologist, Robert Martinson, published an article that changed the criminal justice system through his "nothing works" doctrine. Martinson concluded that with rehabilitation "nothing works" and rehabilitation has no effect on recidivism. Due to Martinson's article, many policy makers and community members believed rehabilitation to be a waste of money and time, and radically decreased funding and support for rehabilitation practices and programs. While many believed Martinson's argument, several studies dispute the idea that "nothing works". The American research and development no-profit, RAND, conducted a meta-analysis in 2018 "on the effectiveness of correctional education to help policy makers move past the belief that "nothing works"" (Davis 11). The meta-analysis found that individuals who participated in a type of correctional education are 43% less likely to reoffend compared to those who did not participate in correctional education (Davis 4). Studies that prove rehabilitative practices, such as correctional education, reduces recidivism and increases employment after imprisonment provide proof for policy makers to implement community-based rehabilitation practices and sentences.

The Boston Reentry Study on Social Integration conducted by Harvard University is another example of the fight to move away from the mentality that rehabilitation does not work. The BRS followed the release of 122 male and female inmates back into society and focuses on the hardships they faced while transitioning into their communities. Establishing membership

and relationships rest on the ex-offender's ability to find employment, housing, and family connections. Ex-offenders have experienced an extended amount of time separated from communities without resources to prepare them for community life. Long-term separation from "socialization of work and family" leaves offenders unequipped to enter society as contributing members (Western 1516). The first few months an offender is released is the most crucial time for them to successfully find housing, employment, and family connections. If an offender is not able to establish membership and connections within the first few months, then they are more likely to reoffend. The BRS measured the social integration of the prisoners over a span of one year with "indicators of family support, housing, employment, and participation in government programs" (Western 1514). The study found through several interviews during the one year follow up, that ex-offenders faced severe hardships concerning employment, housing and relationships immediately after their release. The criminal justice system is responsible for preventing crime, yet offenders are transitioned from prison to community without the resources needed to refrain from criminal activity. The inability to enter society from lack of resources traps ex-offenders in the cycle of recidivism. Ex-offenders who cannot find employment are not only deprived of a means of income but also the pride, social status, and the routine a job provides. The BRS found that "respondents with histories of mental illness and addiction were more unstably housed, less likely to be employed, and felt more distanced from family than did than general sample of prisoners released" (Western 1538). Of the respondents, those facing addictions and mental illness are less likely to successfully establish community connection. The justice system failing to offer necessary resources needed for reentry only causes individuals to be stuck in the recidivism cycle and drain taxpayers' dollars. The justice system needs to focus on setting offenders up for successful reentries with available resources in the community such

as support groups and mentoring programs. Faith's House is an available resource in Ohio that provides women exiting prison with substance abuse recovery, employment, community, shelter, financial support, and the opportunity for spiritual transformation (Nichols 126). Before releases female prisoners would apply to be a part of Faith's House and if accepted will immediately transition from prison to the house. The first steps back into society for the woman of Faith's House are followed with encouragement and resources to find a place in their community.

Moving the criminal justice system towards a restorative approach instead of punitive will promote positive behavior. Roger Jarjoura, a member of the AIR leadership team for National Reentry Resources center, claims that "the U.S faces mass incarceration because of its punitive practices." Punitive practices focus on negative consequences for negative behavior. For example, a negative behavior such as a child hitting a classmate for taking his/her pencil is given a negative consequence such as the child not being able to participate in recess. The child is punished for bad behavior instead of given a way to improve their behavior. A restorative approach would give the child a script to say the next time someone takes their pencil instead of hitting them. With a restorative approach individual are equipped with resources needed to avoid bad behavior while the punitive approach only perceives certain behaviors as bad and punishable. Punitive practices may attempt to deter an individual from criminal activity, but it does not give the resources needed to prevent criminal activity. The criminal justice system needs to reexamine its approach to restorative practices that allows offenders to understand their behaviors, take responsibility for them, learn from them, and be given resources to move forward as contributing members of society. U.S District judge Stephen Bough understands that "there needs to be different consequences, but imprisonment seems to be the only punishment that is provided to people" (Table of Experts). Incarceration has become the number one option for

addressing citizens faced with mental illnesses and substance abuse when the system is slow and mental institutions are unavailable. The U.S depends on correctional facilities for solutions that should be achieved through resources offered in communities such as support groups, rehabilitation clinics, and mental health and addiction counseling. According to Jarjoura “seventy-five percent of incarcerated individuals have documented substance use disorder, while only ten percent of prisoners have access to treatment programs.” If individuals are being incarcerated for crimes connected to substance abuse, but do not receive treatment while imprisoned then they are only going to end up reincarcerated.

The War on Drugs campaign began in the 1970s when the U.S set out to reduce the illegal drug trade. The combination of the War on Drugs and the “nothing works” doctrine eroded America’s efforts towards rehabilitation. The “nothing works” doctrine contributed mass incarceration by criminalizing poverty, drug use, and mental illness. Craig Engstrom and Derrick Williams claim in the book *Working for Justice: A Handbook of Prison Education and Activism* “legislators at the state and federal level have linked drug abuse to criminality rather than public health” (162). Correctional facilities act as catch-all for issues that should fall under the public health sector. The increase of individuals facing mental illness and substances abuse occupying U.S correctional facilities leaves inmates without the resources they need. Faced with overcrowding issues correctional facilities are unable to successfully protect public health, deter crime, and rehabilitate prisoners. Professor Margaret Severson of The University of Kansas proposes sufficient funding to the public mental health system to correctly place individuals in the environments they need to become contributing members of society (Table of Experts). Placements can be prisons, drug clinics, and mental health facilities among other things. Funding for the mental health system could take form as mental health diversion clinics like the one in

Franklin County Ohio. The Franklin County Sheriff's department offers a health diversion center for people with substance abuse and mental health issues so that individuals are given separation from correctional facilities and an alternative to incarceration (Table of Experts). Mental illness and drug addictions are known to strain intimate relationships because individuals facing mental illnesses and drug addictions tend to rely on family or close friends for material support. The BRS found that "family support was weakest for respondents with histories of drug addictions and mental illness" (Western 1523). While relational support is one of the fundamental needs for survival after incarceration, ex-offenders are often left without any support system.

To offer inmates support systems outside family relations the criminal justice system can partner with companies to build facilities that offer individuals community connection. To convey community connection and support the Treanorhl Preservation Studio is a company that conveys community connection and support by building facilities that serve communities across the country. The Treanorhl has a studio dedicated to building justice facilities that "allow citizens to find the positive support network that ultimately breaks the recidivism cycle" (Table of Experts). The Treanorhl has many other studies dedicated to building facilities for housing, higher education, and health purposes. The specific justice facilities focus on supporting law enforcement and other criminal justice system workers and the individuals being brought into the system. The Treanorhl justice buildings recognizes the human beings entering its' walls and "tries to create spaces that embrace opportunity for healing and allow people to find some sort of comfort" through incorporating natural lighting, murals of landscapes, color, and open seating. (Table of Experts). The buildings are not only used for the intake and placement process of arrestees but as environments for mental health counseling, substance abuse counseling and support groups.

Until 1994 incarcerated students were eligible for the Pell grant which provided eligible inmates with help to cover the cost of prison education programs (Davis 1). An amendment added to the Higher Education ACT eliminated incarcerated students' eligibility for the Pell grant. For most incarcerated students, cost is the main factor prohibiting them from gaining higher education. Due to the decreases in inmates participating in educational programs the number of programs being offered has dropped. Without the Pell grant incarcerated students cannot participate in prison education programs and without participation prisons cannot keep the educational programs running. Without the means to higher education, incarcerated students are put at a disadvantage to finding employment after prison. Davis claims that "being able to land a job can mean the difference between successfully transition back into a community and returning to prison" (1). Without the Pell Grant inmates' chances to find employment is low compared to the educated individuals fighting for the same jobs. Davis argues "providing access to college education is one path that can help reduce the nation's substantial recidivism rates" (Davis 3). Higher education opportunities in prison will help prepare inmates for future employment. Investing in prison education can be GED preparations, college education, vocational training, technical education, parenting classes, hairstyle licensing, and industrial training. Prison education programs should mimic skills that will be used in future employment of inmates, such as computer skills, teamwork, communication, and organization.

Focusing on communication and teamwork skills of inmates will help improve their career competencies. Just as inmates are encouraged to apply for food stamps and Medicaid, they should also be encouraged to start building a resume. Having participated in educational programs and gaining career competencies, inmates will be able to apply their accomplishments to their resume. To keep employers from discrediting prison education, "the credentials earned



should be “stackable” and the programs and earned class credits be transferable and recognized by other postsecondary institutions” (Davis 3). Prison education should be structured to set up inmates for the most possible future success. To help encourage prison education, many states including California, Ohio, Indiana, and Maryland, are implementing legislation that takes time off inmates’ sentences who are achieving educational milestones. As of 2020 the twenty-six-year ban of Pell Grants for incarcerated student was lifted. According to Vera, a national organization that researches, advocates, and works to end mass incarceration, not only are Pell grants available to inmates again but new revisions allow more inmates to become eligible regardless of their sentencing (Martinez-Hill).

Now that the Pell grant is available again to incarcerated students, correctional facilities should focus on offering individualized educational pathways for inmates. Individual educational experiences for inmates will allow them to focus on the certain skills and knowledge needed for the future jobs they are interested in. The pathways could be for a higher degree, licensure, or training course. While the Pell grant has become available to incarcerated students it does not mean the cost of higher education will be completely covered. Davis states that “policy makers involved in supporting college programs for incarcerated individuals will likely need to consider additional options for sustaining the funding of [educational] programs for the long term” because the Pell grant does not cover the administrative cost of higher education imprisons (9). The Pell grant can be the difference inmates need to break the recidivism cycle. But if funding is not available to keep educational programs in prison alive then the Pell grant will not be as beneficial. Davis proposes two approaches for long term funding of prison education. The first suggestion would implement the Board of Governors Fee Waiver that “covers enrollment fees for qualifying low-income students” and the second would approach would use the Senate Bill of

1391 that “allows community colleges offering in-person courses in both prisons and jails to be fully reimbursed” (Mukamal qtd in Davis 10). Taking advantage of Davis’s suggestions would not only be cost effective and provide the incarcerated with the opportunity of high education, but it would also place inmates in personal contact with their community.

While there is a widely held assumption that rehabilitation in the form of prison education is a waste of tax-dollars, it is quite the opposite. A study conducted by RAND showed correctional education to be highly cost effective. The study “estimated every dollar invested in prison education programs saves taxes payers four to five dollars in three-year reincarceration costs” (Davis 5). Investing in education programs will not only save tax-payers dollars, but it will also boost the economy when correction facilities are producing citizens ready to join the work force. Additionally, “reduced recidivism rates could cut state prison spending across the country by as much as \$365.8 billion annually” (Martinez-Hill). Another way taxpayers will benefit from providing for ex-offenders would be through employer tax incentives. Employers that hire ex-offenders can receive a tax incentive. According to Israel Nery, with the University of District of Columbia, employer tax incentives “build a win-win model of reform by boosting work force participation and providing pathways to economic and rehabilitative opportunities for ex-offenders” (Nery 54). Employer tax incentives not only provide an employee and tax credit to a company, but it also has the power to give an individual the pride, security, and community connection found in employment. More importantly it gives an ex-offender the ability to escape the recidivism cycle. To ensure employers don’t fire ex-offenders after they receive the incentive, five years of full-time employment should be the minimum requirement for the tax incentive. It would be cost inefficient for an employer to train a new and inexperienced employee instead of keeping the five-year experienced ex-offender. The five-year full-time requirement

will also provide the ex-offender longevity of sufficient means to support their family and benefit the community by reducing the ex-offender's likelihood to reoffend.

Individual offenders not only benefit from the rehabilitation process, but families and communities do as well. Shifting to a community-based rehabilitation process will successfully place ex-offenders into society and enhance public safety. Mass incarceration has yet to solve poverty and reduce crime. The false fear held by society expects incarceration to maintain public safety when it only harms it. The fear generated by media's representation of prisoners as monsters allows society to justify the mass incarceration and overcrowding engulfing the U.S. According to Eleanor Novek, a former professor at Monmouth University, "when people regard one another as worthy and valuable, they can coexist without doing violence to one another" (210). Focusing on the needs of inmates will cause recidivism rates to drop. Second chance programs are prime examples for communities prioritizing the needs of inmates. According to Matt Dummermuth, the Principal Deputy Assistant Attorney General of the Department of Justice, "second chance programs focus on improving the reentry process, reducing recidivism and contributing to the nation's public safety." The Detroit Rescue Mission Ministry is an example of a second chance program that provides food, housing, addiction treatment, job skills and gainful employment to ex-offenders. Supporting second chance programs will encourage community-based reentry programs that policy makers can use to encourage effective practices in their jurisdictions. Norway has the lowest recidivism rate in the world. According to Harvard political review, Norway contributes its success to "their mission of rehabilitation and reintegration into society through its accepting and empathetic approach" (Benecchi). Norway recognizes that low recidivism rates benefit the individual and the community. The individual alone cannot break the recidivism cycle, it takes the support and acceptance of their community.

In response to community support and acceptance prison populations decrease, taxpayers pay less, and correctional facilities can focus on their intended purpose of reform and improvement.

For communities and individuals to work together to break the recidivism cycle they need to work together. Problem-solving courts offer non-violent offenders with an alternative to prison time. The courts will place offenders who present issues regarding mental health, substance abuse, housing, employment, family trauma, and education in direct contact with their community instead of locking them up in solitude (Faris 104). Placing offenders in direct contact with community connection and involvement decreases the likelihood of recidivism. U.S District judge Stephen Bough explains that any participant in the court must agree to a more intense supervised environment that requires mental health treatments, drug testing, employment, and community service for an agreed upon time (Table of Experts). Problem solving courts often partner with business to employ ex-offenders undergoing the reentry process. The courts can target individualized problems such a community ties, unemployment, and mental illness, and substances abuse without incarceration. Problem solving courts offer solutions to social problems without the cost of incarceration. The problem-solving courts work in effort to move away from the prison-industrial complex and focuses on social reform. The problem-solving courts allow offenders to be treated like human beings while saving hundreds of thousands of dollars from the cost of incarceration.

While reducing recidivism though education reform and employment opportunities is vital, the most important change for reducing recidivism is the transformation of public perception. Although “television dramas tend to represent prisoners as violent criminals, the majority of prisoners are non-violent offenders” incarcerated for public order or drug offenses (Yousman 146). Television crime dramas are distorted and function for entertainment not

accuracy. Popular crime shows such as NCIS and Criminal Minds display “dedicated law-enforcement officials hunting down and capturing an endless array of murderers, rapist, and thieves” (Yousman 146). Television shows and others forms of media has created a fear surrounding the criminal justice system. The fear has led to the misconception that the justice system is unable to maintain murderers, rapists, and thieves. Communities are captivated by the false fear and in return rejects offenders from society and supports the prison industrial complex instead of rehabilitation. African Americans and Hispanics often fall victim to the false representation as dangerous and violent individuals. Due to the faulty representation of African Americans and Hispanics, these races are arguably targeted discriminately for laws such as not wearing a seatbelt or littering. Novek claims that the racialized approach to public safety has labeled African American and Hispanics as violent and anticipates crime among these races instead of waiting for crime to occur (209). African American and Hispanics are no longer innocent until proven guilty.

To prevent the systematic racism against African American and Hispanics the media’s depictions of imprisonment must change. Communities should work to help ex-offenders instead of attempting to manage them only to discard them. Inmates are not the only victims of stigmatization. Offenders’ families are often extended the concept of “courtesy incarceration”. Courtesy incarceration is when “community members extend the same stigmatization often directed at inmates to those who have close relationships with them” (Peterson et al 87). Family members of offenders are then being seen and treated as criminals. In order to transform the public eye, communities need have a change of heart and policies. Novek calls it a movement of love for the civil and human rights of the incarcerated (210). Individual communities are responsible for the incarcerated and the rights and protections of the inmates. Those rights

include education, health care, shelter, and restoration of citizenship after imprisonment. Employers should be encouraged to love the citizens of their community and offer the criminal justice system a chance to prove it has prepared ex-offenders to be contributing members of society. Ex-offenders should be given alternative and less severe options for minor reentry infractions (Meet the Expert: Roger Jarjoura). Jails should become more like support systems for communities that offer workforce development, reentry programs, substance abuse counseling, adult education and other support program instead of a cage.

In order to completely transform into a community-based rehabilitative justice system America needs a perspective change. Instead of the “nothing works” doctrine, America needs a “love doctrine”. Through a new sympathetic and loving perspective communities can work to reduce recidivism through ending systematic racism, lack of education opportunities, treating mental illness and substance abuse, and confronting the absences of support in correction facilities. Communities should invest in reentry programs, educational reforms, and second chance programs, because it provides policy makers with the evidence, they need to change policies. Companies should partner with problem solving courts to serve their communities by employing ex-offenders. Communities should seek to start nonprofits to serve the needs of ex-offenders entering society. Nonprofits scream community acceptance and reach out to partner with individuals in need of support. Community connection provided inside and outside the criminal justice system can equip individual with the resources needed to exist the recidivism cycle. The U.S should seek Norway as an example for a restorative approach. Norway views inmates as neighbors. If the prison treats inmates as neighbors, who must be productive and cooperative, then that is what communities will receive, but if prisons treat inmates as animals,

then that is what communities will receive. Perspectives and policies must be changed so that the criminal justice system can be transformed.

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