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Reducing Recidivism Through Rehabilitation: An Observational Study on Rehabilitative Programming During and After Incarceration to Determine Best Practices for Successful Reintegration into Society

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Part I: Introduction

Consider this hypothetical: John Smith was eighteen years old when he was arrested for the possession of 250 grams of marijuana sitting in plain sight in the passenger seat of his vehicle. He was prosecuted for selling the marijuana in his car. John received the maximum penalty allowed for this charge and now faces 3-10 years of incarceration and \$15,000 in fines (MS Code Ann. §41-29-139 [1972]). Was John afforded opportunities towards his rehabilitation during his incarceration? How did serving time better reform John as a more productive member of society? Did John enter himself into a drug program, further his education, or even adopt a trade while incarcerated?

John is now twenty-three years old and has served five of his eight-years prion term. He has taken incarceration as an opportunity to work at the wood shop in the penal institution and acquire the necessary skills to work for a construction company. He also has worked on obtaining his General Educational Development Exam GED and has been going to therapy weekly. Upon being paroled for good behavior and having met his obligations to society by serving his time, John should easily be able to reintegrate into society as almost a new man. Unfortunately, this will probably not be the case, and John will be one of many who account for the current recidivism statistic in the United States. “Within three years of their release, two out of three former prisoners are rearrested and more than 50% are incarcerated again” (Benecchi, L. (2021, August 8) *Recidivism imprisons American Progress*. Harvard Political Review. Retrieved November 16, 2021, from <https://harvardpolitics.com/recidivism-american-progress/>.)

John is unable to find stable employment because the local construction companies tell him they will not hire a felon. John is unable to move to a larger city with more opportunity because of parole and is only able to rent an apartment that at times seem worse than a cell. All because of these unfortunate circumstances, John turns back to drugs as a means of income and escape. He goes back to prison, but this time for 20 years minimum. (MS Code §41-29-139)

Did the system ever support John after his conviction and provide him with the support and training opportunities that he needed to successfully reintegrate into society upon release? “One of the goals of punishment is to serve as a rehabilitative opportunity for those incarcerated.” (Emily Labutta, 2017. *The prisoner as One of Us: Norwegian Wisdom for American Penal Practice*, Emory International Law Review 31 (2): 229-359, (2017), available at <https://search-ebshost-com.libprxy.muw.edu/login.aspx?direct=true&db=a9h&AN=122025953&site=eds-live&scope-site>.) As the fictional account of John Smith illustrates, even in an instance where the penal system has provided an individual with an opportunity to gain employable skills that should help their reintegration into society, there may still be external factors impacting that rehabilitation. Often, there are societal limitations including a lack of support for incarcerated individuals, and

once released from jail or prison, those individuals are often tasked with fending for themselves instead of supported. The practices of rehabilitation in our penal system have a direct impact on recidivism. However, examining the effect rehabilitation practices can have on recidivism is met with certain additional considerations seen through case law and a general lack of critique of our own system.

Part II: Preliminary Research

The two key focuses of this research are rehabilitation and recidivism. Rehabilitation is currently defined as “an ambitious sentencing goal that aims to decrease criminal acts in three key ways: by increasing one's ability to become employed; by decreasing one's propensity to commit crimes by "redirecting [one's] value system [;]" and by increasing one's "control over antisocial needs and desires by restructuring his personality" (Olivia Lanagan, *A Failing System: The Opioid Crisis, Recidivism, and the Desperate need for Prison Reform*, Suffolk University Law Review 53 (4): 373-96 (2020), available at <https://search-ebscohost-com.libprxy.muw.edu/login.aspx?direct=true&db=edshol&AN=edshol.hein.journals.sufflr53.29&site=eds-live&scope=site>). Recidivism is defined as “the tendency of parolees to return to criminal behavior” (K. Meehan, *Recidivism*. Salem Press Encyclopedia. (2021) More specifically, recidivism is also used as a general term to refer to how often parolees return to incarceration, as Eisenburg notes, “Definitions of recidivism range from reconviction, re-incarceration (in a jail or prison), imprisonment, re-arrest, and re-arraignment.” (Avlana K. Eisenberg, *ARTICLE: THE PRISONER AND THE POLITY*, 95 N.Y.U.L Rev. 1, (April, 2020), available at <https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:5YPS-N9T1-JB7K-236G-00000-00&context=1516831>)

I examined several factors to consider their respective impacts on rehabilitation and recidivism: (1) public vs. private penal institutions in the United States, (2) state vs. federal penal institutions in the United States, and (3) concerns over societal limitations placed on incarcerated individuals. I identify best rehabilitative practices that work at reducing the recidivism rate. Additionally, through this research I interviewed legal professionals, law enforcement officers, and individuals currently working in rehabilitative programming to gather their opinions on rehabilitative programming and other issues impacting this area. The goal of both the literature review and the primary research is to provide recommendations for better rehabilitation practices. This research project will identify steps that, if taken, could improve criminal rehabilitation, reduce recidivism, and make stories like that of John Smith less common.

Attempts to increase the use of rehabilitative programs has not been free from its own challenges, and this is in part because of some current case law surrounding it. In *Tapia v. United States* (2011), the defendant was sentenced for smuggling aliens into the U.S. “Tapia was recommended to be sentenced 41 to 51 months in prison, and 51 months were imposed so the petitioner could qualify for the U.S. Bureau of Prisons Residential Drug Program” (*Tapia v. United States*, 564 U.S. 319, 131 S. Ct. 2382, 180 L. Ed. 2d 357, 2011 U.S. LEXIS 4556, 79 U.S.L.W. 4521, 22 Fla. L. Weekly Fed. S 1160 (Supreme Court of the United States June 16, 2011, Decided), available at <https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:533S-HDMI1-F04K-00000-00&context=1516831>). The issue in the case is that Tapia had their sentence increased so that they would have to use the rehabilitative drug program. The Supreme Court in this case had to address the following question: should an incarceration sentence be set based on rehabilitation program qualifications? The Supreme Court did not think as much, so they reversed the circuit court’s decision to uphold the prison term, holding that a prison term is not

appropriately set upon the premise of rehabilitation programs offered. Our government and our officials will not officially condemn the programs which they currently have implemented, because these are the programs and decisions which they dictate. It is important to note that the *Tapia v. US* case law does not discourage this research, as it is about the sentence time being set, not the effectiveness of rehabilitation programs. However, the reason *Tapia* is considered a limitation is that less rehabilitation programs are being offered because of the court's decision on this case. Yet, based off *Tapia*, if the judge had not formed the sentence length off the idea that the petitioner would be using the drug rehabilitation program, there is a chance the program could have helped the petitioner. Essentially, there was no fault in the program, rather the way the sentencing was used to implement it. So, even though *Tapia* is currently being used as a limitation on forming new rehabilitative programs, it should not be viewed in such a regard.

In a review of the split decision in the *Tapia* case, Matt J. Gornick of the Vanderbilt Law Review notes, "Justice Sotomayor expressed doubt that the district court impermissibly calculated *Tapia*'s sentence. As even the mandatory minimum would have qualified *Tapia* for participation in the Residential Drug Abuse Program (RDAP). Thus, it seemed unlikely that the district court lengthened *Tapia*'s prison term because of this program." (Matt J. Gornick, *NOTE: Finding "Tapia Error": How Circuit Courts Have Misread Tapia v. United States and Shortchanged the Penological Goals of the Sentencing Reform Act*, 69 Vand. L. Rev. 845, (April, 2016), available at <https://advance-lexis-com.libprxy.muw.edu/api/document?collection=analytical-materials&id=urn:contentItem:5JTH-MXK0-02BN-105K-00000-00&context=1516831>). Essentially, the reading of *Tapia* has misled many in their goals of sentencing to help an offender with rehabilitation, when it is entirely possible that *Tapia* was not sentenced for longer simply because of the rehabilitation program. This possible violation is now known as *Tapia* error, and it cannot be overlooked as a factor as to why rehabilitation is not currently the leading goal of incarceration.

The goals of incarceration currently are as follows: rehabilitation, punishment, retributivism, and deterrence. However, as Emily Labutta notes:

The United States began with a rehabilitative goal. The Quakers formed the first prisons, calling them "penitentiaries", and these subsequent prisons of the colonial period assumed "that an offender is someone who erred but is capable of change, and that the period of incarceration can be used as a time to effect interventions that may bring about more law-abiding behaviors." (Labutta 2017, p. 338)

These early penal systems reflected the moral norms and logic of Quaker society, however, and were not reflected in the American criminal justice system that eventually developed.

It was not until 1984 that "a Florida court declared retributivism to be only one element of punishment in society" (Labutta, 2017, p. 339). We have moved away from focusing on rehabilitation as truly being the primary goal of incarceration in our justice system, and it could be time to move back so that we may better our justice system.

Penal institutions in the United States are divided into two different types. Public institutions are government funded and regulated, whereas private institutions are owned and operated by a third party with services contracted by the government. Private institutions "house 8% of the U.S. prison population" (*Private prisons vs. public prisons*. Criminal Justice Programs. (2021, May 4). Retrieved November 16th, 2021, from <https://www.criminaljusticeprograms.com/articles/private-prisons-vs-public-prisons/>). Due to this low number, there is an argument to be made that any rehabilitation practice that could benefit inmates nationally should be tested in private institutions. Private prisons currently do

not have to report their spending, incarceration rates, or recidivism rates in the same way that public prisons do.

To better study how rehabilitation practices can reduce recidivism, it will be important for private institutions to be held to similar standards as public institutions. Additionally, governments should shift away from guaranteed contracts. Instead, administrators should consider moving towards incentivized contracts, which could be used to ensure that inmates are receiving proper care. Michael G. Anderson, who has looked further into this problem states, “Cost savings and rehabilitation cannot be accomplished through the use of fixed-price contracts” (Michael G. Anderson, *ARTICLE: IF YOU'VE GOT THE MONEY, I'VE GOT THE TIME: THE BENEFITS OF INCENTIVE CONTRACTS WITH PRIVATE PRISONS* Buffalo Public Interest Law Journal, 34, 43 (2015 - 2016), available at <http://advance-lexis-com.libprxy.muw.edu/api/document?collection=analytical-materials&id=urn:contentItem:5JSB-7JH0-00CV-J179-00000-00&context=1516831>). When prisoners are viewed as dollar signs rather than people, the likelihood that they are receiving proper care is low. To help better rehabilitate inmates, private institutions should be hired based off their ability to give proper rehabilitative care.

It is difficult to implement an incentive-based contract in private prisons however, because more often than not prison regulations do not focus on the rehabilitative goals of imprisonment and ensuring that those initial goals are reached. Those regulations are set at the local, state, and federal levels and can be very different for each level. For example, Mississippi has very limited information on their Mississippi Department of Corrections website addressing the effectiveness of their rehabilitative programming. However, they do list the thirteen vocational programs offered for male inmates, and the six programs for female inmates (Mississippi Department of Corrections, *Inmate Programs* (2022) Retrieved April 21st 2022, available at <https://www.mdoc.ms.gov/Institutions/Pages/Inmate-Programs.aspx>). The website may not reflect current offerings, as their recidivism statistic of twenty-two percent is from 2011. Mississippi Department of Corrections also only mentions drug rehabilitation services, which is just one facet of rehabilitative programming offered to a particular type of offender. In the alternative, consider a more politically progressive state like California and you find more information about rehabilitative offerings for those incarcerated there. They offer five different rehabilitation programs which cover most needs an inmate could use help with. California Department of Corrections also lists twenty different vocational programs which do not have specified genders listed as requirements (California Department of Corrections and Rehabilitation, *Rehabilitative Programs and Services* (2022) Retrieved April 21st 2022, available at <https://www.cdcr.ca.gov/rehabilitation/programs/>).

One additional reason states often rely on private contractors and offer limited rehabilitative programming is due to a lack of funding. In many policy areas, the United States government contributes revenue to states; often, this funding is tied to a state's adoption of best practices. However, the federal government's role in guiding state criminal justice policy is relatively limited. Congress has not offered federal funding to entice state reform, and the treatment received by those convicted of federal crimes has not provided states with an effective uniform standard for rehabilitative practice. During the Trump administration there were new acts signed into law, including the First Step and Second Chance Acts, which were enacted by Congress but must now be implemented by the Bureau of Prisons. However, Congress gave the Bureau of Prisons wide latitude in choosing how to reduce recidivism, including the ability to partner with nonprofits and local organizations (Federal Bureau of

Prisons, *An Overview of the First Step Act* (2018), available at <https://www.bop.gov/inmates/fsa/overview.jsp>).

Additionally, one must consider the societal limitations placed on formerly incarcerated individuals that hinder their successful reintegration. Many employers still include a section on job applications inquiring about prior convictions with zero regard to rehabilitation of the individual. This question fails to differentiate between type of crime, or the rehabilitative programming undertaken by the individual. The negative light in which an ex-convict can be viewed is one that should not prevent them from gaining employment, especially if they have put in the work and satisfied the terms of their punishment as decided upon by a court of law.

After release, it is important to consider any supportive measures offered to the individual. The best example of continued rehabilitation after release, or in place of incarceration, is drug rehabilitation. The United States is currently facing one of the biggest drug abuse epidemics ever: the opioid crisis. According to Olivia Lanagan, “Studies show that penal institutions can reduce recidivism when they properly implement drug treatment, anger management, and educational and vocational skills programs. One study found that, on average, Cognitive Behavioral Therapy (CBT) treatment programs reduced recidivism by 27%” (Lanagan, 2020, p. 388). This is significant because if proper rehabilitation is established, it might be possible for the national recidivism rate to be reduced by more than half. Lanagan also notes, “instead of promoting rehabilitation in prison, drug courts encourage offender rehabilitation as an alternative to prison. In this setting, judges play a more active role in offender rehabilitation, as they encourage the offender to complete substance abuse treatment instead of imposing a sentence” (Lanagan, 2020, p. 394). If we apply the knowledge we have about the successful implementation of drug courts, where offenders are offered rehabilitation instead of incarceration, imagine the potential avenues for success if applied to other areas/types of crimes.

This review of the literature suggests that there is an ongoing recidivism issue in the United States that could be positively impacted if effective rehabilitative techniques were adopted throughout our penal systems. These changes could be implemented in a myriad of ways, including but not limited to the adoption of a national rehabilitative standard, upholding all penal institutions (both public and private) to the same standards, increasing the implementation of specialty courts, offering more rehabilitative post-release options, and reducing the societal stigma haunting previously incarcerated individuals. This may seem like a large goal, and to some it may be, however we always must start somewhere. As Barack Obama in 2008 stated, “Change will not come if we wait for some other person or some other time. We are the ones we’ve been waiting for. We are the change that we seek.” (Barack Obama, *Super Tuesday Speech* (Feb. 05, 2008), available at <https://www.shmoop.com/quotes/we-are-the-change-that-we-seek.html>)

Part III: Primary Research

Before conducting interviews, I examined data from each state and their current recidivism rates to develop a better understanding of the current climate. The rates are as follows via World Population Review (*Recidivism Rates by State 2022*. World Population Review. (2022). Retrieved April 19th, 2022, from <https://worldpopulationreview.com/state-rankings/recidivism-rates-by-state>):

State	3 Year Recidivism Rate	State	3 Year Recidivism Rate
Alabama	26%	Montana	25.4%

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Alaska	66.42%	Nebraska	30.1%
Arizona	40%	Nevada	28.63%
Arkansas	52.93%	New Hampshire	43.1%
California	50%	New Jersey	29.8%
Colorado	50%	New Mexico	50%
Connecticut	34%	New York	40%
Delaware	64.9%	North Carolina	40%
Florida	25%	North Dakota	39.4%
Georgia	50%	Ohio	31.45%
Hawaii	48.9%	Oklahoma	20.1%
Idaho	35%	Oregon	52.9%
Illinois	43%	Pennsylvania	53.4%
Indiana	33.78%	Rhode Island	35.25%
Iowa	38.8%	South Carolina	23.1%
Kansas	33.1%	South Dakota	40%
Kentucky	32.2%	Tennessee	47.1%
Louisiana	34.1%	Texas	21.4%
Maine	30.2%	Utah	50%
Maryland	40.5%	Vermont	52.5%
Massachusetts	32%	Virginia	23.1%
Michigan	28.1%	Washington	32.2%
Minnesota	36%	West Virginia	24.06%
Mississippi	33%	Wisconsin	31.3%
Missouri	43.9%	Wyoming	28%

Examining each state's recidivism rate provided a more in depth look of how the national rate is formulated. For states reporting separate rates for men and women, I averaged the two to determine a single state rate. All rates are listed in alphabetical order and are rounded the first one hundredth.

Using this information, I narrowed my research to interviews with individuals from three states: Mississippi, Arkansas, and Michigan. The average rate listed in this table is 38%. The bottom quartile is 30.1%, the 2nd quartile is 35.1%, the third quartile is 46.3%. Michigan was chosen for its low recidivism rate of 28.1 percent within three years (*Recidivism Rates by State 2022*) and established connections with the legal community. Mississippi was selected for its higher recidivism rate of 33 percent within three years and 75 percent within five years (*Recidivism Rates by State 2022*) and already established connections within the legal community. Arkansas was chosen because it is my home state and has a high recidivism rate of 52.93 percent within three years (*Recidivism Rates by State 2022*). So, Michigan represents the fourth of states with the lowest recidivism rates, and Mississippi represents the next quarter while still being below average. Arkansas, on the other hand, represents the fourth of states with the highest recidivism rates. However, it does not represent Alaska and Delaware's abnormally high rates. Due to the limited nature and timing of this research, interviewing individuals from these states felt like a manageable goal. Looking at all fifty states for comparative purposes would be preferable; however, with a limited time frame this was the most suitable option.

The initial goal was to have at least 8 interviews, with 3 from each state. These three members would include one person working in law enforcement, one person working in rehabilitation, and one elected official or legal professional. Prospective interviewees were contacted by either phone, email, or mail to establish an interview time and consent to participate in the research. I found it extremely challenging due to lack of responses from the law enforcement population and legal professionals. It is of no surprise that the individuals who currently work in rehabilitation are the most excited to participate in this form of research. By selecting these three different professional backgrounds, and through the comparison of their responses, I was able to gather concerns and recommendations regarding rehabilitative programming.

Twelve interview questions were constructed to ask each participant their thoughts on how the current system is operating. These questions were designed to gauge the professionals' views concerning critiques and recommendations discovered through preliminary research. If a participant did not wish to answer a question they were allowed to pass on that question. Each participant was asked the following interview questions:

1. One of the goals of incarceration is rehabilitation. Do you feel that goal is accomplished today?
 - a. If no, why?
2. What, if anything, can be difficult about transitioning from institutionalization to freedom?
 - a. Examples—mental health, financial, housing
3. In your opinion, do those who are institutionalized longer have a more difficult transition?
4. "Within three years of their release, two out of three former prisoners are rearrested and more than 50% are incarcerated again" What do you feel contributes to this high recidivism rate?

5. Do those who were formerly incarcerated have more difficulty with the transition from a social standpoint or an educational/vocational standpoint?
6. In your opinion, did those incarcerated find any programs offered during their incarceration to be helpful with the transition?
7. Do you feel like more beneficial rehabilitation programs would reduce the recidivism rate?
8. Are there any programs you believe would be beneficial that are not commonly utilized today?
9. Commonly, private prisons are not required to report out recidivism statistics. Do you think those private institutions benefit from a higher recidivism rate?
 - a. Why?
10. Do you think that contracting inmate stay in a private institution is beneficial or detrimental to their overall rehabilitation?
11. What are some of the successes and challenges your state has encountered when implementing rehabilitation programs?
12. Are there any final thoughts on our current system of incarceration that you'd like me to be aware of?

Part IV: Individuals working in Rehabilitation

My first interview was with MAGCOR, a nonprofit corporation that offers rehabilitative programming focused on job training and life skills for adult offenders in the state of Mississippi. I spoke with Donte Jones, MAGCOR's Chief Hope Officer and he offered opinions which began a trend I noticed throughout many interviews. When asked about the challenges facing previously incarcerated individuals upon release, he states "These people have so much structure while they are incarcerated, that once they are released, they still need structure." Mr. Jones noted the limited resourcing and funding faced by nonprofit entities such as MAGCOR but stressed that any program with both pre- and post-release rehabilitation offerings would greatly assist in an individual's successful reintegration. Throughout this interview, Mr. Jones stressed the idea that released offenders remain in a prison mindset upon release and that is also detrimental to individuals working to restructure their lives post release. More than anything, he felt, these individuals need help with basic life skills, "Something as simple as going to the store and using the self-checkout line, paying taxes, making a resume: these are all necessary life skills, and no one is there to educate." When asked about private institutions Mr. Jones also started another trend with the idea that if private institutions are held to the same standards as public institutions, then there is not an issue. MAGCOR uses life skills and mentoring programs to help offenders both before and after their release, and they are one of the largest corporations in Mississippi doing so. However, MAGCOR receives no direct funding from the state of Mississippi.

The first interview I conducted with an individual from Arkansas was Dr. Stephen D. Chiovoloni, who owns and operates two treatment centers. The first is Fort Smith Behavioral Health, which is a private practice that accepts all insurance. The second is Mount Hope Counseling Center, which is an adjudicated practice which only has clients referred from Sebastian County or Crawford County circuit and district courts. The Mount Hope Counseling Center has a federal contract to serve all sex offenders within a sixty mile radius. When asked about the difficulty in transitioning, Dr. Chiovoloni gave an answer which was reminiscent of Mr. Jones' ideas, "A big thing is just the activities of daily living, simple things, like making choices in a grocery store. Also connecting with services like insurance, finding a job, or finding

education.” When asked about whether an educational/vocational or social challenge was more difficult for these offenders in post-release life, Dr. Chiovoloni stated, “It’s not either or, it’s a combination of both. So, the lower the education the more difficult the transition but with both of those what you’re gonna run into is the criminal history.”

He then continued with an opinion which is one I had not heard or read before, stating, “You’re not allowed to fraternize once you’re a felon, so if you’re on probation and you’re not allowed to fraternize with other people that have felonies, your actual social network gets reduced significantly, because it becomes illegal. So even the people that are more willing to accept you, you can’t even be around them.” This was a profound statement to me and I compared it to other known programming and its functions. I immediately thought of Alcoholics Anonymous (AA) Meetings, which tend to work because you can relate and share stories with someone in a similar situation as yourself. However, when it comes to a felony it seems as though it is just easier to keep felons apart than trust that they’ve changed after doing their fair time and allowing them to re-enter society.

When asked about any types of programming that are not currently being used but should be, Dr. Chiovoloni shared the same thoughts as Mr. Jones, stating, “Programs that are geared towards real life situations, meaning really trying to help them with what will happen when they get out, where the rubber meets the road, those will be your more effective programs and you’ll see them benefit from it.” Dr. Chiovoloni also noted that specialty courts, like drug courts for example, are a good step in the right direction towards helping individuals that need help, rather than punishment. Towards the end of our interview Dr. Chiovoloni became very passionate when talking about the struggles facing our current system:

“Let me talk about sex offenders in particular. You have a sex offender and he’s done very well in the programs, but he has nowhere to be released to, so he’s not getting released. Even though he was very successful in the program—he’s a leader, he’s trying to help other inmates—when you don’t have a place to release them, forget about it. So, it’s really about supporting the offender once they’re out. So, instead of investing in—and this isn’t just because I work in the field—and instead of investing in the money that’s spent on their incarceration, take that money and develop halfway houses where there’s a lot of monitoring and everything. Then really develop places where they could be released to. Here’s the problem with the incarceration piece, Will: once they let you go, they want no more liability on you. So, they don’t wanna take on the liability. As if I released a sex offender, and then he went out and re-offended. I want to release them. I have no more contact with them. I have no more monitoring with them. If I were to develop halfway houses that actually went out into the community to do, to do real life work—like, say flipping homes or remodeling or whatever, that type of program—and it’s run through the judicial system, that would have a huge amount of freaking liability. So, they would rather just say, ‘Hey, you’re released. You do your three years of probation, you’re off probation, you’re off the books. I don’t have any more contact with you. You do what you wanna do.’ So, I think a lot of times when you’re trying to think about rehabilitation and really creating a productive member of society, there’s a lot of risk involved. I don’t think anybody wants to take on that risk. Don’t forget, it goes all the way to the top, to the governor. So, that’s really where the issue is, where the rubber meets the road. How can we release these offenders no matter what the crime is? How do we get them into society, functioning, with a proper amount of monitoring? It’s the social piece, too I’m gonna develop a halfway house for sex offenders and this is what we’re

gonna do: We're gonna train them to cook. We're going to teach them how to cook and work in culinary. Then I'm going to open a restaurant. It would be in the middle of a community; do you think the community is going to welcome a restaurant filled with sex offenders working? People don't want that in their neighborhood. It's just the way it is. That is what you're fighting against. That is a huge social ramification, where people don't want offenders around them. It could be felons too, doesn't matter. There are so many different variables and there are so many different social problems that it becomes overwhelming for everybody. When it's easier just to put them in jail, lock them up, create more institutions. And we know they don't work, Will. We know it."

These offenders face a challenging battle for their past mistakes. I believe it is important to remember that these are individuals who have served their sentence and, in the eyes of the law, have made amends. Given the primary goals of incarceration, so it begs the larger question of why we as a society continue to treat previous incarcerated individuals in ways that make their rehabilitation and social reintegration more difficult?

Part V: Individuals working in Law Enforcement

The first individual I interviewed from the law enforcement field was the Lowndes County Sheriff, Eddie Hawkins. Sheriff Hawkins runs the county's jail and one of his main focuses is reducing recidivism and offering second opportunities. When explaining why he seeks to assist these offenders and the community, he stated, "I've been in law enforcement now for over 30 years, and the people that we're dealing with today I was once dealing with their grandfather or their father in the past." Sheriff Hawkins, like the rehabilitative specialists I interviewed, also mentioned that housing program could be beneficial for recently released offenders.

Sheriff Hawkins has a lot of personal experience with offenders staying incarcerated for longer periods of time, and he noted that "Long term incarceration, or someone has been institutionalized for a very long-time, things change on the outside world. Technology has taken over. Some people get out of jail that's been in jail for 30 years and have never used a cell phone before right now and don't know how technology has changed the world. It's a big learning curve for someone that's been incarcerated a long time." This aligns with many of the opinions of the other interviewees. Sheriff Hawkins also believes that a lack of education, vocation, and societal challenges can all make the transition from institutionalization to freedom very difficult.

With the decline of Covid-19 cases, and the challenges which come with a pandemic, Sheriff Hawkins is hoping to begin more rehabilitative programs in Lowndes County. Specifically, he mentioned Mississippi House Bill 747 and said, "House Bill 747, it was set up for the Rankin County Sheriff's Department. They implemented a program there, it's kind of a work release program, but they're using pretrial diversion to help with the program." As he describes it, first and second time offenders for minor crimes are given the opportunity to choose this work release program as an option before sentencing. The offender would spend their nights at the jail, however, during the day they would be working. They would earn money for themselves, and a portion would be saved for when they are released while another portion would go to restitution or court fees. Additionally, completion of the program would wipe that charge from the offender's record. When discussing the benefits of a program like this, he stated "I think it could be beneficial for us, and what it does is, it takes our criminal element and teaches them a trade and helps them find jobs and get some out into the community and be successful and more productive to our citizens and our community." It is programs like these, not just mandatory sentencing, which meet each of the four goals of incarceration.

The second individual from law enforcement I interviewed was Ken Valentine. He is a former probation employee of the Mississippi Department of Corrections (MDOC) and a current American Correctional Association (ACA) auditor. He travels around and audits different prisons and jails. Like Sheriff Hawkins, he mentioned technology as one of the difficulties of transition, stating “Some folks that have been incarcerated for 20 years and get out, now they don't know what a cell phone is, they [don't] know how to do online banking, things like that.” The technological “lag” which long term offenders face is a common barrier identified by the interviewees when discussing the difficulties of transition. Valentine discussed several additional reasons for a high recidivism rate as well: “What contributes to it is not meeting their needs. An offender gets out of prison and doesn't have any place to live, doesn't have a job, doesn't have identification, and he's in a world of hurt.” These challenges align with some of the recommendations the rehabilitative specialists said would help lower the recidivism rate.

Valentine also believes that state funding is a big reason there are not more rehabilitative programs in Mississippi. He stated, “The lack of resources throughout the state, because outside of Jackson and maybe Gulfport, everything else is rather smaller communities and there's not an abundance of resources. There's state-run mental health facilities regionally in the state, and their funding is rather low.” Funding in rehabilitative programs seems to be an issue in both Mississippi and Arkansas and allocating more funding should possibly be re-evaluated. However, when discussing whether or not the goal of rehabilitation is currently being met, he stated “I think Mississippi as well as other states are moving in the right direction. They're trying to reduce the amount of prison sentence time... they're working towards now trying to do the things that will benefit the inmates when they're released, and Mississippi is doing that well.”

Part VI: Individuals working in the Legal Field

The first legal professional I spoke with was Bryn Bailey, a prosecutor with Wayne County (Detroit, MI). She, like many others interviewed, noted the fact that going from a very structured setting to having little to no structure at all can be extremely difficult for an offender. Bailey believes that a strong family support and post-release support can be beneficial for those who were released, stating “Family, community is a huge factor in everything, and if they have a supportive family and they have a supportive community and a parole officer that's really interested in making sure that they never crossed their door again, I think that that's really helpful.” Bailey also noted that Michigan is taking steps to minimize jail time with specialty courts, “Michigan has a lot of specialty courts that will take someone who—for example, I worked with a judge in Lansing who ran a sobriety court. So, if you had intoxicated third offense—which is a felony here in Michigan—basically, you would go on an intensive two-year probation, and you'd meet with guidance counselors or social workers. You'd meet with the judge every two weeks, just repeatedly.” By replacing “hard time” with these specialty courts that target the needs of the offender—specifically, those with offenses in substance abuse—both the state and the offender can benefit. When talking about the nation's recidivism statistic and why it might be so high, the interviewee noted the “lack of support from the community and from their family...” Ms. Bailey noted that many individuals are not humanized by the general population following their release from prison, and that stigma is an uphill battle. “We're not treating them as human beings; we're treating them as people who were punished and deserve to be punished. And really there's nothing more than that.” Being a prosecutor and being aware that we can be better at accepting these individuals back into society is very important. To help in the reintegration of those exiting the criminal justice system, Bailey mentioned work programs that have been successful in Michigan, giving the offender job skills that provide them with steady

employment once released. In final remarks in the interview, Bailey mentioned that she is interested to see how much the COVID-19 pandemic will alter both the criminal justice and incarceration systems.

I also interviewed Lena Pinkerton, a deputy prosecutor in Crawford County, Arkansas. She offered similar opinions about whether the transition from institutionalization to freedom can be difficult, stating, “Well, I believe when offenders are in an institution, they're told where to be, how to act, and have a very structured regiment in which they live. Once they get the freedom, it's kind of like they can do whatever they want when they want, and at times, that is too much for a person that has been almost institutionalized for a period of time.” Pinkerton stating this is very significant, because every other person interviewed had said the same things when asked this question. Often this type of information can just be read in an online article or journal. However, when so many different people from different professions are sharing the same thoughts, without talking about it first, it is very significant. When asked about whether educational/vocational or societal hardships were more difficult on offenders, Pinkerton shared a similar opinion, saying that it can be a mixture of both factors contributing to that hardship. However, she also went deeper into why it is so important to have a skill, trade, or job: “Idle hands.” Pinkerton also opined on programs which could be used more today and described something going on in Crawford County’s district court. The Adult Education Center is in the same building as the court, and so when individuals cannot pay bonds and court costs and they don’t have a General Education Development (GED) certificate they can be recommended for a program to teach them skills. They can earn their GED, get wage certificates, and even earn things like an Occupational Safety and Health Administration (OSHA) certification. This is ultimately another example of a specialty court, much like a version of Drug Court, which aims at educating and work certifying individuals so that they may better themselves through employment.

Part VII: Future Research Considerations

The most notable consideration that can be taken when trying to conduct further research into this topic is time. A delayed IRB process restricted time to conduct further research on this topic. Cold calling and emailing these professionals was for the most part, unsuccessful. There were quite a few refusals to participate as well as many unreturned calls and emails. I chose to interview individuals who work in extremely demanding positions and often had to compete with courts in term, and it reduced by potential participant pool.

Another avenue in continuing this research would be to narrow down the recidivism rates based on the type of offense committed. If we were to look at those rates separately, we might find extremely high rates for drug and alcohol offenses and relatively low rates for crimes like capital murder. This is a reasonable assumption, because the penalty for homicide is much higher than the one for using an illegal substance, giving the drug user a higher chance of being released sooner and having a faster opportunity to reoffend. This is an important distinction because if we can identify the specific populations reoffending, rehabilitative programming can be specialized to focus on those individuals and fit their specific needs. I must thank Dr. Chiovoloni for opening my mind to this way of thinking.

Additionally, I strongly believe that conducting interviews of these different professionals in their respective fields and states was the right way to gather these opinions. Potentially, I could have used a survey that would just have to be filled out with the answers of the survey taker. However, when taking into consideration the lack of responses, along with the number of responses which first came from secretaries, it would be hopeful at best to assume the

answers of a survey would be completed or even well thought. The goal of this research was not to have closed-ended survey questions and simple “yes” or “no” responses. I wanted to speak with individuals to garner detailed insights into this topic and information on how the system is currently operating.

Reaching out to these individuals has also helped me understand more about one of the initial claims I made in preliminary research. The individuals who make these policies and report their statistics do not like being asked questions about them. I had several individuals say they needed to consult a legal team to even offer their opinion on this subject. I did not have a single judge agree to be a part of this research, and it stems from an idea that in today’s climate, everyone is out to get someone. I can understand these fears, however, when a judge can’t report their recidivism statistics or offer their opinions on their rehabilitative programs, there ends up being no room for growth. I am extremely appreciative of the individuals who agreed to speak to me, especially those who work closely with branches of government, because they offered some of the best insight into the system’s current operations. They were able to speak on the challenges facing offenders at nearly every level of their incarceration process, and it is information that is vital to this research. Rehabilitation should begin upon entry into the system and continue through an individual’s release. I say all of that to make this point: for future research there should be a plan to help ease the expectations some officials might have. With this plan there potentially would be more judges as well as state and federal officials who feel able to participate and offer their opinions.

Part VIII: Conclusion

There is no hardline answer for reducing recidivism. My conversations with research participants identified positive steps that seek to reduce the recidivism rate. After conducting this research, I believe that focusing more on rehabilitative programming throughout incarceration and creating better support after release is an appropriate step in the right direction. Before reiterating the positive steps identified by participants, it is important to address the two primary reasons that rehabilitative programming is currently not as successful as it has the potential to be. First, states currently do not have the appropriate funding to implement new rehabilitative programs or keep them active and fully functioning. This opinion comes from the five interviewees from both Arkansas and Mississippi, the states with high recidivism rates. Even the participant from the state with the lower recidivism rate identified additional funding as something that would assist in rehabilitative offerings. Second, the societal stigma associated with those previously incarcerated needs to be addressed. Until society becomes more accepting of those who have served their time and have completed programming aimed at bettering themselves, rehabilitation will not be fully effective. Allowing previous offenders to feel that they have been welcomed back into society is one step to help them feel accepted and more likely not to reoffend.

Some immediate steps that states could consider would be to focus on implementing more work-release rehabilitative programming and the creation of more specialty courts. Work-release rehabilitative programming aims at giving the offender employment once their sentence has been served. Some programs, like the Mississippi Bill 747 mentioned by Sheriff Hawkins, even set aside a portion of offender earnings into a savings fund they can access upon release. Work release programs can only be successful with a society of employers willing to provide offenders with an opportunity to have gainful employment. Specialty courts, like drug and alcohol courts, aim to keep the offenders out of incarceration entirely. Instead, they offer rehabilitative services for the substance abuse related problems people face while keeping them

under close watch until the program is completed. If a potential offender avoids incarceration entirely, they do not face the social stigma associated with convict status.

The problems identified by my participants indicated that these problems are likely indicative of a national issue. Donte Jones and Dr. Chiovoloni, they shared almost identical opinions on the issues these offenders face and the solutions which could be implemented. To my knowledge the only thing Mr. Jones and Dr. Chiovoloni had in common was an interest in rehabilitation, and specifically working with offenders. They work thirteen hours apart in two different states. Bryn Bailey also mentioned similar opinions even though she lives on the opposite side of the country.

This is a national issue. As such, our federal government should be offering solutions to the problem. In the future, I would hope to see our federal government implement rehabilitative programming guidelines that each state (and federal institutions) could turn to for best practices. If a state would opt into those programs, possibly the federal government could allocate funding for them as well. In conclusion, rehabilitation, like the other three goals of incarceration, aims at reducing recidivism. However, unlike the other three goals which are being met by our system of incarceration, rehabilitation is not. Ultimately, when the goal of rehabilitation receives as much attention, funding, and importance as the other goals of incarceration, recidivism rates will lower.