



Transforming Policy and Research on Reentry

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Failed transitions of individuals from incarceration back to communities—otherwise known as reentry—is one of the largest drivers of hyper-incarceration practices in the United States. Thirteen million people cycle through incarceration every year - 95% of whom come home to our shared communities (Kaebel & Cowhig, 2018). Most will be re-incarcerated. Nearly 77% of people released from state and federal prisons will be re-arrested within five years (Alper & Durose, 2018). This high prevalence of failed reentry has been driven by a combination of structural barriers, public policy missteps, unwelcoming communities, and human agency. Failed reentry affects more than individuals leaving incarceration - their children and families suffer. Their communities are not improved, and all United States residents bear the tremendous financial and social burdens of individuals who are unable to reach their full potential as contributing community members.

In addition, failed reentry disproportionately impacts both people of color and people in poverty. Twenty-eight percent of US residents are people of color, but people of color make up 77% of incarcerated individuals. Similarly, 15% of US residents live in poverty, but 67% of incarcerated individuals lived in poverty just before their incarceration. And these disparities are caused by racially and economically biased policies, not by differences in criminal behavior (Ferrer, and Connolly, 2018; Mauer, 2011; Western, and Pettit, 2010)

Reforms are needed across the entire criminal justice system, but reentry is a leverage point where the smallest change might potentially yield the greatest impact. Although there have been incremental declines since 2008 (Kaebel & Cowhig, 2018), incarceration rates cannot

be dramatically reduced without addressing failed reentry and the racially and economically-biased policies that fuel these disparities. In this chapter, I identify, explore, and critique three primary causes of our national reentry failure. Drawing on the available research, I propose three “big ideas” for reforming reentry. First, we must reject the use of racially and economically biased reentry risk assessment tools and insist that any future reentry assessment tools be both valid and socially just. Second, we should retire our deficits-oriented and surveillance-focused reentry policies. Instead, we should implement reentry policies that facilitate individual well-being, support desistance, and enhance community well-being. Finally, we should abandon recidivism as our primary reentry outcome measure and replace it with measures that better reflect our reentry outcomes. This chapter explores each of these concepts in depth, situating the proposals in the empirical and theoretical literature and modern-day societal contexts.

Twenty-First Century Reentry

In 2000, Attorney General Janet Reno delivered a speech challenging the country to address prisoner reentry and citing unprecedented rates of incarceration and release. Reno 2000, At the time, 95% of people were releasing from imprisonment, with an average of 1,700 people releasing from prison per day by 2002 (Reno, 2000; Travis, 2005). This speech launched an explosion of interest into the large number of incarcerated individuals returning to communities across the United States. At the turn of the 21st century, research showed that individuals exiting prisons had higher needs than in the past but were simultaneously facing dwindling access to necessary resources (Petersilia, 2003). Government officials and academic scholars increased their attention on individuals released from prison, which led to a rapid build-up in programs to address the issue. The build-up of reentry programs continued in every subsequent Presidential administration, including President Trump in 2018.

Since 2010, every red and blue state in the nation, and both the legislative and executive branches of the federal government, has adopted policies supporting comprehensive, evidence-based reentry reform. Second Chance Hiring (hiring individuals with criminal records) has gained broad traction, as evidenced by the prioritization of Second Chance talent acquisition strategies promoted by the national human resources organization, the Society for Human Resource Management, which has 800,000 members. Further, correctional professionals' national conferences increasingly address methods to sustainably shrink the correctional population and help individuals with incarceration histories succeed in our nation's communities.

A robust advocacy movement of individuals with incarceration histories and family members affected by incarceration across the country is working to decrease the stigma of incarceration history, to open community opportunities to formerly incarcerated individuals, and to activate people with incarceration histories as community-builders. Public opinion surveys underscore this momentum, demonstrating that communities believe in rehabilitation and want reforms that will disrupt the churn of incarceration, release, and re-incarceration.

One result has been an increasing host of reentry programs that seek to promote public safety by reducing criminal behavior and helping individuals become contributing members of society. However, evaluations of these individual reentry programs have reported mixed results in lowering reentry failure (Bouffard and Bergeron 2006; Duwe 2012; Grommon, Davidson, and Bynum 2013; Jacobs and Western 2007; Roman, et al., 2007; Veeh, Severson, and Lee 2015). As explained below, later in this chapter, these research findings are limited by their use of recidivism as the primary outcome measure for program evaluation. Unfortunately, for current reentry research, recidivism is the only outcome measure that is consistently used to assess the impact of reentry approaches.

Meanwhile, our nation's current incarceration approaches disproportionately impact communities of color, communities in poverty, and individuals with mental health and substance use disorders. Incarceration clusters within families and communities create multiple layers of disproportionate impact, which means that incarceration functions as a permanent stratifying social institution that excludes millions of people from participating meaningfully in our communities (Wakefield, and Upgen, 2010). In addition to incarceration acting as a stratifying social institution, risk assessment tools – including those used in reentry - may also contribute to the criminal justice system serving as a stratifying social institution.

Eliminating Reentry Risk Assessment Tools that Are Racially or Economically Biased

Community corrections agents like probation and parole officers use risk assessment tools to determine what type of community supervision to impose on a reentering individual, the types of programming available to that person, and when and whether to suggest re-incarceration. As discussed in Chapter –, in the context of pretrial release, many risk assessment tools include variables that are directly influenced by disproportionate racial and economic access to societal resources. These variables include education, employment, income, housing, criminal history, and age at first criminal justice contact. Research on the "school to prison pipeline" has identified that children of color, particularly Black and African American children are more likely to experience disciplinary action. They are also more likely to be referred to police - and subsequently to the juvenile justice system - than their White counterparts, despite their engagement in the same (or less severe) behaviors (Mallet, 2016).

Further, access to quality education and housing is highly dependent on economic status, and economic status is highly intertwined with race in the United States (Loock et al., 2020). Access to quality education and to stable housing impacts the capacity to earn a living wage (Loock et al., 2020). Also, economic status directly impacts a person's experience within the

criminal justice system, as it determines whether an individual has access to a private attorney or must rely upon an overworked public defense attorney with a large caseload (Primus, 2017).

Additionally, certain communities across the country have higher levels of police surveillance, and thus those residents are more likely to become involved in the criminal justice system (Carey, 2019). High levels of police surveillance are concentrated in low-income communities and communities with high rates of people of color, particularly Black and African American communities. Over-surveillance increases the likelihood that a person living in a targeted community will have frequent contact with law enforcement and that those contacts will begin earlier in life. These factors directly impact a person's criminal history – an essential variable in risk assessment tools.

Widely used post-conviction risk assessment tools such as Level of Service Inventory-Revised (LSI-R), the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS), and Post-Conviction Risk Assessment (PCRA) include more than one of these socially stratifying variables. Using these potentially racially and economically biased variables to predict reentry risk is problematic. People of color and with lower economic status are more likely to be scored as higher risk based on these factors. In other words, their assignment to a “high risk” category may be driven by structural bias and may not, therefore, be indicative of a greater risk of engaging in criminal behavior after incarceration.

Although the research base is still forming, there is mounting empirical evidence that the racial bias of risk assessment tools makes Black and African Americans more likely to be categorized as high-risk. Skeem and Lowenkamp (2016) identified that 66% of racial difference in PCRA scores was attributable to criminal history. Reporting on an investigative journalism article that received substantial attention from researchers, Mayson (2019) highlighted research evaluating non-recidivists. In a study of thousands of non-recidivating individuals, 44.9% of Black and African American defendants had been identified as high-risk compared to only

23.5% of their White counterparts. Conversely, among individuals who recidivated, White defendants were more likely to be deemed low-risk (47.7%) than Black and African American defendants (28 %). Mayson (2018) hypothesized that criminal history, among other variables, drove these differences in risk scores. Further, she hypothesized that criminal history is biased because the Black arrest rate is two times the White arrest rate for every crime category, except for three alcohol-related crime categories. DiBenedetto (2018) contends that risk assessment tools that are conducted while a person is incarcerated perpetuate bias because they do not account for positive post-release changes in behavior or experience. Coupled with the disparate conviction, severity in sentencing, and incarceration rates, these tools will disproportionately impact Black or African American communities.

In an article on risk assessments, Eckhouse and colleagues (2019) argue that the debate on risk assessment tools should be framed around the layers of bias that these tools may present. Although it addresses pretrial risk assessment tools, rather than reentry risk assessment tools, the Eckhouse argument is useful for considering the fairness of these tools in reentry contexts. Eckhouse and colleagues (2019) use three “layers” to discuss this issue. Their argument's first layer is the fairness layer - prediction is inevitably based on an individual's past (Mayson, 2018). Is it fair to assess an individual's future consequences (and predicted risk for engaging in criminal behavior) to be based largely on that individual's past? The second layer suggests that using racially (and economically) biased data produces an unmeasurable bias in risk scores and criminal justice outcomes. The final layer asks people to ponder whether it is fair to make criminal justice decisions with lifetime and intergenerational impacts based on groups of risk categories. Mayson (2019) contends that the risks assessed by these tools cannot be disentangled from bias and suggests that we need to debate about which risks are "worth it" to be assumed by criminal justice agents using these tools while recognizing that risk assessment tools reflect bias.

While the economic bias of risk assessment tools remains under-researched, Van Eijk (2017) argues that the unintended consequences of using risk assessment tools and their associated embedded economic bias must be a part of the data informing the debate. The scientific maturity of risk assessment tools is similarly an emerging conversation, as the predictive validity of risk assessment tools is inconsistent. For example, one study of a reentry risk assessment tool found it to be 61% accurate for general recidivism and only 20% accurate for violent recidivism (DiBenedetto, 2019).

The fairness of reentry risk assessment tools should be re-considered, and serious thought should be given to abandoning altogether the risk assessment tools commonly used in corrections and reentry (Green, 2018). If risk assessment tools are to be maintained, racially and economically neutral proxy variables should be identified, and risk tools should have dramatically less influence on reentry decision making by criminal justice agents.

Rejecting Recidivism as a Primary Measure of Reentry Outcomes.

Recidivism has been used as an indicator of program effectiveness since the advent of reentry programs. However, recidivism is not an appropriate metric for assessing reentry programs are having the desired impact on criminal behavior and individual achievement of important reentry benchmarks (e.g., employment or housing stability) that are critical for reentry success. Rarely is recidivism narrowly defined as an individual's engagement in new criminal behavior after release from incarceration. Instead, recidivism measures often include myriad post-release behaviors, such as re-arrest, re-incarceration, and technical violations (non-criminal instances of non-compliance with the conditions of post-incarceration supervision).

In a meta-analysis of 53 reentry program evaluations from throughout the U.S., Ndrecka found that, on average, programs in the review were reported to reduce the recidivism rate to 47%. In contrast, a comparable group of former prisoners not in a reentry program would return

to prison at a rate of 53% (Ndrecka 2014). The most recent review of federally funded Second Chance Act reentry program evaluations similarly found no statistically significant differences in recidivism rates between those who received reentry programming (60%) and those who did not (59%) (Arnold Ventures, 2018). In part, this may be because – as many scholars report - recidivism rates are driven by technical violations of post-release supervision (e.g., technical violations, fines, and fees) rather than re-engagement in criminal behavior. (e.g., Menendez et al., 2019; Pettus-Davis, and Kennedy, 2020a; Pew Charitable Trusts, 2018). Thus, recidivism rates may not accurately reflect engagement in criminal behavior. Instead, these recidivism rates may reflect the interactions between an individual’s behavior and other factors, such as the training, orientation, and skills of corrections and reentry professionals, and the structural and organizational policies and practices in correctional and reentry environments (Pettus-Davis, and Kennedy, 2020b).

There are other problems with the calculation of recidivism rates. Lattimore (2020) reviewed studies spanning 40 years to provide a detailed examination of the limitations of recidivism as a primary outcome for program evaluations. This review highlighted data analytic problems and failures to account for frequent changes in sentencing structures both within and across states. When states enact criminal justice reforms, it becomes challenging to track which behaviors are considered criminal. And if public health advocates are effective at getting symptoms of mental health and substance use disorders decriminalized, this problem will only increase.

Instead of recidivism, the field of reentry needs a standard set of intermediate- and long-term outcomes measures that assess the effectiveness of reentry approaches without relying upon recidivism as the primary outcome of focus. Having a combination of standard intermediate- and long-term outcomes (other than recidivism) will identify those facets of reentry approaches that most contribute to individual behavior (e.g., mechanisms of change,

Taxman, 2020). Therefore, the field of reentry should identify which programs have the most significant positive impact on individual behavior and, once those programs have been identified, identify implementation strategies that will ensure widespread adoption of those approaches. Taxman (2020)

Intermediate outcome metrics should be extracted from a Reentry Well-Being Assessment Tool, which assesses five outcomes consistent with criminal-desistance theories: meaningful work trajectories; healthy thinking patterns; effective coping strategies; positive interpersonal relationships; and positive social engagement. (Veeh, Pettus-Davis, & Renn, et al., 2018). (These Reentry Well-Being Model is discussed in the following section.) Long term outcome metrics that are alternatives to recidivism are community stability, psychological well-being, and engagement in criminal behavior (Pettus-Davis & Kennedy, 2020b). Community stability can be assessed as a composite measure of housing stability, social support from formal sources (e.g., substance use disorder treatment) and informal sources (e.g., loved ones who provide positive emotional or tangible support) and an individual's ability to attain and retain employment or education. Psychological well-being can be assessed with Ryff's Psychological Well-Being Scale (1989), a widely used well-being assessment tool that measures social and economic well-being as well as life satisfaction. Finally, engagement in criminal behavior may be assessed through a combination of self-reported involvement in criminal behavior and official records of charges and convictions (Berg, and Huebner, 2011). Notably, this metric disentangles criminal behavior from the technical violations, fines and fees, and prior warrants that often contribute to recidivism rates. Continued research is needed to establish the predictive validity of these alternative outcome measures for detecting sustained desistance from crime and productive contributions to the community.

A New Framework for Planning and Accomplishing Reentry Success

Because the country has increased its readiness to welcome individuals with incarceration histories home and create opportunities for them to succeed, it is more important than ever to ensure that reentering individuals are fully prepared to pursue these opportunities. Generating hope for desistance and focusing on what people can achieve is more likely to provide a successful framework than talking about the need to avoid antisocial cognitions and antisocial networks and recidivism. Consistent with desistance theories, a person who is achieving well-being is avoiding negative influences and pursuing those factors that support their positive goal of well-being. If professionals who work with individuals with incarceration histories implement similarly a revised framework - one that prioritizes helping people to excel instead of catching them failing - then individuals with incarceration histories are more likely to do well. To reframe the principal foci of reentry, we must shift to assessment tools capable of measuring and tracking the desistance needs and goals of reentering individuals. Operating within the perspective of the Well-Being Development Model, we can enhance assessment policy and practice and potentially move the field toward achieving both public health and public safety.

A growing evidence base also suggests that the impact of criminal justice involvement on an individuals' well-being and their children and family's well-being should be considered (Begun, 2017; Boman & Mowen, 2017) – particularly given the intergenerational transmission of criminal justice involvement and incarceration. Considering familial contexts in reentry programming would help shift our lens about the purpose and function of criminal justice. As criminal justice involvement influences outcomes for entire families and communities, this exercise in dialogue could be incredibly productive in the pursuit of a fair, socially just, and equitable criminal justice system.

Unfortunately, our reentry tools are wrought with flaws. Currently, the Risk-Needs-Responsivity (RNR) model permeates almost all reentry contexts and uses retrospective data to predict an individual's needs and risks of engaging in future behaviors. These predictions then determine how long a person remains involved in the criminal justice system and how much support or intervention they receive. Rooted in the psychology of criminal conduct, RNR proposes to identify the correlates of criminal behavior, which the model broadly breaks down into risks and needs (Andrews and Bonta 2010). Risk factors are the behaviors thought to increase the likelihood of future criminal behavior. Needs (also known as criminogenic needs) are dynamic risk factors malleable to change over time (Andrews and Bonta 2010). Under this model, when positive change occurs, the likelihood of criminal behavior also changes. Based on their research with juveniles and adults, Andrews and Bonta (1994) outlined seven dynamic risk factors for involvement in criminal and juvenile justice settings: antisocial personality pattern, antisocial cognition, antisocial associates, family/marital circumstances, school/work, leisure/recreation; and substance abuse. Developers of the RNR model proposed that services based on cognitive-behavioral principles and tailored to individual characteristics are most likely to reduce recidivism. Over time, RNR scholars have also recommended that correctional and reentry programming be prioritized for those who are at moderate to high risk for recidivism.

The Well-Being Development Model (WBDM) is an alternative to RNR proposed by a team of researchers after a thorough review of empirical and theoretical literature on behavioral interventions in mental health, school, child welfare, and residential care settings (Pettus-Davis, et al., 2019). Following the World Health Organization guidance that health is more than the absence of illness (WHO, 1946), the Well-Being Development Model proposes that success after an incarceration experience is more than the absence of recidivism. Well-being is defined as a state of satisfying and productive engagement with one's life and the realization of one's

full psychological, social, and occupational potential (Carruthers & Hood, 2007; Harper Browne, 2014). In contrast to prominent RNR models, the WBDM is articulated as a framework to increase incarcerated and formerly incarcerated individuals' capacity to reach their full human potential, desist from crime, and become sustainable contributing members of their communities.

The WBDN provides five orienting principles to guide reentry policy and reentry assessment tools. These five principles contend that to reverse high re-incarceration rates, reentry policies should facilitate individuals' psychological, social, and economic well-being through:

- Meaningful Work Trajectories to provide reentering individuals with fulfilling, sustainable, and livable work lives,
- Healthy Thinking Patterns to help reentering individuals navigate the complexities of reentry and life,
- Effective Coping Strategies to help reentering individuals recover from mental health or substance use disorders or to manage the psychological distress that many experience during reentry,
- Positive Social Engagement to help reentering individuals feel welcomed on their return and empowered to contribute to their communities through positive social engagement,
- Positive Interpersonal Relationships to provide support for people with incarceration histories long after their reentry programs have concluded.

The Meaningful Work Trajectories principle builds on the dynamic risk factor established in the RNR model of low education and work. However, the WBDM proposes meaningful work trajectories as a more sensitive and goal-oriented indicator of individual and program goals for employment. Reentry approaches that facilitate an individual's trajectory toward a sense of personal empowerment – drawing on their talents without creating unreasonable

expectations or burnout and frustration - lead to higher employment attainment rates and reduced recidivism rates (Benda, 2005; Berg & Heubner, 2011). Meaningful Work Trajectories are achieved when there is sustainable compatibility between the individual's goals and abilities and the demands of a chosen occupation. In this context, "occupations" are obligations or jobs, paid or unpaid. "Occupations" thereby encompass numerous circumstances representative of "work" that individuals with incarceration histories may experience. (For example, individuals with severe disabilities may be unable to sustain paid work but can engage in brief unpaid work-like activities.)

Healthy Thinking Patterns represent a proactive and generative reorientation of the RNR criminogenic needs, referred to as antisocial cognitions and antisocial personality traits. Incarceration is often a volatile environment. In confined communities that house high volumes of individuals with histories of violating prosocial norms, expressions of empathy can be interpreted as vulnerability (Haney, 2003). Therefore, the literature suggests that growing and reinforcing healthy post-release thinking patterns may be a powerful reentry approach. Healthy Thinking Patterns are achieved when an individual has empathy, adaptive mental processes, and belief systems that are consistent with prosocial norms

Effective Coping Strategies are especially crucial for coping with, and recovering from, the symptoms of mental health and substance use disorders (Wilson and Wood, 2014). Effective coping strategies are defined as adaptive behavioral and psychological efforts taken to manage and reduce internal/external stressors in ways that are not harmful in the short or long-term. The RNR model most closely associates the need for coping strategies with the risk factor of substance abuse. Substance abuse recovery requires positive coping strategies that help a person resist urges and cravings for problematic substance use. The WBDM further posits that effective coping strategies for managing stress, day-to-day hassles, and problem-solving help promote all reentering individuals' well-being, with or without mental health and substance use disorders.

Positive Social Engagement occurs when an individual engages in social experiences organized for beneficial social purposes that directly or indirectly involves others, occur during an individual's discretionary time, and are experienced as enjoyable. While the RNR model identifies leisure and recreation activities as among the seven most salient factors for predicting recidivism, the WBDM reframes leisure and recreation as active community immersion and engagement that promotes active work and reduces the marginalization of individuals with incarceration histories. This key ingredient was proposed as a way to encourage activities that reduce isolation (Lubben et al., 2015), engage individuals as an accepted member of a community (Maruna et al., 2004), and help to build positive social capital through informal social networks (Budde and Schene 2004; Sampson and Laub 1993). The "beneficial social purposes" criteria mean that an activity is intended to promote greater societal good (e.g., art, using public spaces like parks or libraries, sports, etc.). A social engagement "indirectly involves others" when individuals share common physical space (e.g., community festival). And the "discretionary time," limitation means that the engagement must occur during the time that is free from obligations such as work or daily living tasks (e.g., housework).

Positive Interpersonal Relationships have been identified as a critical protective factor by a range of disciplines addressing varied life experiences, including health management, behavioral health, stress management, caretaking, and recidivism (Cohen et al. 2000; Sarason and Sarason 2009). The RNR model addresses interpersonal relationships with two dynamic risk factors - family/marital relationships and associations with antisocial peers - and implies that improving relationships and reducing associations with antisocial peers will reduce engagement in criminal behavior. The WBDM extends the notion of interpersonal relationships to a broader range of mutually beneficial relationships. Here, positive interpersonal relationships involve associations between two people that occur in person, degree in duration from brief to enduring, and arise within formal (e.g., work or treatment) or informal (e.g.,

family or neighborhood) social contexts. A positive interpersonal relationship is reliable, mutually beneficial, and enhances psychological well-being.

Grounded in these WBDM principles, the 5-Key Model for Reentry provides specific guidance on helping reentering individuals in each of the five areas. In 2018, a phased randomized controlled trial of implementation of the 5-Key Model for Reentry launched in seven states - Florida, Indiana, Kentucky, Ohio, Pennsylvania, South Carolina, and Texas. Seven preliminary reports on the trial have already been published (Pettus-Davis and Kennedy, 2018, 2018a, 2020a). Once research on the WBDM is further solidified, its principles and its associated assessment tools should be infused into intake and reentry policies and procedures in correctional and community-based service contexts. However, simultaneous efforts to remove structural bias and racial and economic disproportionately will need to be pursued to disrupt failed reentry effectively.

Conclusion

Despite the attention and energy that has gone into the development of reentry programs over the past two decades, there is still much to learn about how to facilitate individuals' paths to desistance, and reform reentry, criminal justice, and public systems to disrupt high re-incarceration rates in the United States. The next generation of reentry research and policy will likely require a dismantling of current approaches and the establishment of meaningful alternatives. An alternative framework - a well-being development framework – can move reentry programming away from recidivism-based approaches and toward desistance-oriented approaches that focus on what people can achieve.

As evidenced in this chapter and the empirical literature that informs it, transforming reentry will require a multifaceted approach. Enacting just one major reform will not be enough. As reforms are enacted and researched, a driving measure of success must be whether reforms are ameliorating racial and economic disparities. If disparities are not ameliorated - or if they worsen – then the reform has not been effective. Although evidence-driven solutions may not be readily apparent in traditional criminological research on reentry, evidence-driven solutions are available – particularly from other disciplines that have effectively generated well-being across individuals, families, and communities.

Public consciousness in the United States is ready for reform, as evidenced by the daily multi-media coverage of the criminal justice system related actions and the increasing numbers of politicians elected on criminal justice reforms. To respond sustainably and effectively, reform efforts must be transformative, not merely a reworking of efforts tried in the past. Researchers, advocates, and policymakers are collaborating in unprecedented ways, and that can keep transformative "big ideas" at the forefront. This book is a critical resource for maintaining that momentum.

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