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Convict Criminology, Prisoner Reentry and Public Policy Recommendations *

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INTRODUCTION

“Convict Criminology” (CC) began in the United States in the mid-1990s and has grown over the years (Richards and Ross, 2001, 2003a, 2003b, 2004, 2005, 2007; Ross and Richards, 2002, 2003, 2009; Murphy *et al.*, 2008; Richards *et al.*, 2008, 2010, 2011a, 2011b; Jones *et al.*, 2009; Ross *et al.*, 2010). CC started out of the frustrations many of us felt when reading the academic literature on prison and prisoner reentry. In our view, much of the published work on correctional facilities reflected the ideas of prison administrators and largely ignored what convicts knew about the day-to-day realities of confinement. Many prison studies tended to approach the subject abstractly, or from secondary and often outdated sources, with little detail or differentiation among security levels, state or federal systems, or regional jurisdictions. Some studies were conducted without even entering a prison or interviewing prisoners. In response, former prisoners with PhDs, along with some allied critical criminologists, began conducting ethnographic and autoethnographic research (Lenza, 2011) that reflected a more hands-on approach to the analysis of prison life and its aftermath.

Convict criminologists, working at universities across the United States and in other countries, are informed by personal experiences as former prisoners and/or correctional workers, along with traditional training as academics in sociology, political science, criminology and related disciplines. The object of CC is to educate the public, academics and policy makers about the realities of confinement, as well as the social and psychological impediments to community reentry. Additionally, we serve as role models, mentors, and advisors for prisoners and formerly incarcerated persons who are completing college degrees in the social sciences.

PRISON REENTRY POLICY RECOMMENDATIONS

Convict criminologists do not claim to have a monopoly on knowledge about jails and correctional institutions, but we generally make policy recommendations. Indeed, we borrow selectively from conservative,

liberal, critical and radical criminological/criminal justice approaches alike. With this in mind, the following sections briefly outline our prisoner reentry policy recommendations. Many of these suggestions, based on years of formal and observational research, were originally introduced in previous publications (Richards, 1995, 1998, 2008; Richards and Jones, 1997, 2004; Jones and Schmid, 2000; Richards and Ross, 2001; Austin and Irwin, 2001; Austin *et al.*, 2001, 2003a, 2003b; Ross and Richards, 2003; Richards *et al.*, 2004a, 2004b, 2010, 2011a, 2011b; Irwin, 2005, 2009; Jones *et al.*, 2009; Ross, 2008; Ross *et al.*, 2010). These policy recommendations are offered as a blueprint for rethinking the way prisoner release to the community is organized in the United States.

Our policy recommendations for reentry start before the individual is convicted and sentenced. The reason is that it is difficult separating out pre-custody, custody and post-release in the real world. We know that current reentry programs are largely a failure. Repeatedly, prisoners are granted parole only to be violated soon thereafter and returned to prison often for minor technical infractions. In order to break this cycle we need to rethink the entire incarceration process, as well as procedure for release and recall. We need to make serious and pragmatic recommendations about the changes to be implemented. The following proposals are based on what we have learned from our own personal experiences and from the many interviews we have conducted with prisoners and parolees over the past 15 years. In this article, we propose twelve steps towards a new direction in corrections in the United States:

1. Reduce the U.S. prison population;
2. Increase the scope and range of restorative justice programs;
3. End the 'war on drugs';
4. Demilitarize the criminal justice system;
5. End punishment packages;
6. Restore voting rights to felons and prisoners;
7. Close old and functionally obsolete prisons;
8. Restore federally funded higher education to all prisons;
9. Properly prepare prisoners for release;
10. Improve medical services;
11. Provide community resource centers; and
12. Provide residential treatment centers.

1. REDUCE THE U.S. PRISON POPULATION

Approximately one in 31 American adults is under criminal justice control. Such figures disproportionately impact minority populations resulting in one in 27 Hispanics, and one in 11 Blacks under the supervision of the state. If current trends continue, one in three Black males can expect to be imprisoned in their lifetime (Pew Center, 2009). Every year over 600,000 American men and women leave prison to re-enter society.

Where imprisonment is concerned, the United States incarcerates four to five times as many citizens per head of population as other modern democracies such as Canada, England, Australia and New Zealand (Department of Corrections, 2001; Newbold and Eskridge, 2005). In large part, the American prison population has grown dramatically because prisoners receive long sentences for minor crimes, including simple possession of drugs or common assault (Miller, 1996, pp. 10-47), followed by long periods of community supervision after release with strict conditions, rigorous monitoring and hair-trigger violation components. Parolees may be summarily returned to prison for breaking technical rules of supervision.

We advocate dramatic reductions in the national prison population. We argue for imprisonment only as a last resort for serious crimes, where the convicted person cannot be safely supervised in the community. This can be done by recognizing that imprisonment should be reserved for only the most dangerous criminals. For example, many drug addicts could be offered community-based residential drug treatment, instead of imprisonment. Violent offenders could receive shorter sentences, followed by longer terms on parole, depending upon their disposition for future violence (see Irwin, 2009, pp. 6-15). Perhaps some of the longest sentences should be served by persons guilty of serious corporate and white-collar crimes that have resulted in serious injury or economic loss for many people. Most prisoners, regardless of their crimes, could become eligible for parole review after three years in prison. Recall to prison should only occur after serious or repeated breaches of parole conditions. A reduction in the national prison population could be accomplished by restructuring sentence administration and substituting many prison sentences with probation, fines, and community service.

2. INCREASE THE SCOPE AND RANGE OF RESTORATIVE JUSTICE PROGRAMS

We recommend extending and rethinking the many ways community restorative justice services can be successfully employed (Richards, 1998, 2009; Richards and Jones, 1997, 2004; Ross and Richards, 2009), particularly for young and Aboriginal offenders. Restorative justice (Daly, 2006; Strang *et al.*, 2006) is a process that recognizes and builds upon traditions of solving conflicts through communal communicative processes – common within indigenous populations such as those in North America, New Zealand, Australia and Israel (Zehr, 2002, 2004). Unlike modern state-oriented criminal justice processes, restorative justice focuses on the harm to individuals and the offenders' obligation to repair the damage done. Ideally, restorative justice creates a voluntary, safe, and respectful environment for the victim, the offender, and community representatives to meet, discuss issues surrounding the offending, and reach a mutually acceptable solution (Zehr, 2002).

Because restorative justice requires the willing participation of both the offender and the victim, and meetings can be difficult and expensive to organize, their practical utility is limited. Moreover, restorative justice is less suited to hardened, serious recidivists, to offenders with multiple victims, or to those convicted of 'victimless' crimes. Restorative justice methods are, however, ideally suited for young first-time offenders who may not fully appreciate the personal pain that their actions have caused. Participation in restorative justice may mitigate, but should not be used to completely void, the punitive consequences of criminal actions (Daly, 2006, 2008; Maxwell *et al.*, 2006; Ministry of Justice, 1995).

3. END THE 'WAR ON DRUGS'

The United States has lost its much-vaunted 'war on drugs' (Chambliss, 1995; Miller, 1996; Austin and Irwin, 2001). Rather than ending America's drug problem, the 'war on drugs', which began in 1970, has led to an "imprisonment binge" (Austin and Irwin, 2001; Austin *et al.*, 2001) with millions of men and women incarcerated, and an immense burden to taxpayers in the form of police, courts, jails, prisons, and welfare payments to the dependant families of prisoners. In 1980, there were 40,000 Americans in prison or jails on drug charges. With the ongoing intensification of the

‘war on drugs’ since 1980, by 2009 the number had grown to 500,000 Americans in prison or jail on drug charges alone. In 2005, African Americans represented about 14 percent of unlawful drug users, yet they represent 34 percent of those arrested for drug offenses and 53 percent of those sentenced to prison for drug offenses (Mauer, 2009; Sheldon, 2001). We are long overdue in recognizing that the ‘war on drugs’ is a flawed policy, causing more social harm through its implementation than the actual harm from the drugs themselves (Miron and Zwiebel, 1995).

Today, there is a growing recognition that a return to medical solutions such as opiate maintenance is a viable and promising alternative to prohibitionist policies. Opiate maintenance programs in Canada and Europe have been shown to reduce crime, improve the health of addicts and greatly reduce involvement with black markets for opiates (Blanken *et al.*, 2010; Lindesmith, 1947; Oviedo-Joekes *et al.*, 2009; Uchtenhagen, 2010; Van den Brink, 2009). The Swiss program, allowing doctors to prescribe heroin, morphine or methadone to addicts resulted in a 60 percent reduction in the number of criminal offenders, while income from illegal activities of addicts fell from 69 percent to 10 percent. At \$30 per patient per day, the net economic benefit to society was established through a cost-benefit analysis because of reduced criminal justice and health care costs (Nadelmann, 1998, p. 120). The American ‘war on drugs’ needs to end and be completely replaced by harm reduction and/or medical model of treatment. By decriminalizing personal drug possession and usage, and returning the treatment of drug addiction to our health care system instead of our criminal justice system, we can reduce the harm associated with drug usage and its associated costs (see Drucker, 1995; De Jarlais, 1995; Nadelmann, 1998).

4. DEMILITARIZE THE CRIMINAL JUSTICE SYSTEM

Since the invention of the penitentiary in the 18th Century, prison systems in the United States and elsewhere in the world have become authoritarian regimes roughly organized on the police or military model. This model has been reflected in the uniforms and ranking of staff, and use of nomenclature such as “superintendent”, “officer”, and “warden”. Even parole officers, although dressed in civilian clothing in many states, carry badges and firearms like police detectives. The military-type imagery of law enforcement is enhanced by the use of terms such as “war on crime” and “war on drugs”, with the perpetrators

thus depicted as the “enemy”. The result is an occupational mindset based on fighting wars and vanquishing enemies. In such an atmosphere, containment and control easily take precedence over correction and rehabilitation.

We suggest that a new direction in American corrections might begin with changing the job titles of correctional “officer” to correctional “worker” and parole “officer” to parole “worker”. These professional titles (like that of social “worker”) would ideally be accompanied by a college degree and a license. We see the upgrading of the professional status and competency of staff, together with a shedding of the authoritarian model, as an important first step in effective prison reform.

5. END PUNISHMENT PACKAGES

Many courts are now handing out multiple sentences in what Morris and Tonry (1990) have called “punishment packages”, that include both prison time and so-called “alternative” sentences. Initially, probation, restitution, fining and community service were intended as alternatives to incarceration. Community supervision (e.g. probation or court-ordered treatment for substance abuse) was developed as a means to divert minor or first-time offenders from prison. With the exception of fining and restitution, combining prison sentences with non-custodial sanctions defeats the meaning and purpose of the alternative remedy.

We recommend that apart from financial penalties, imprisonment and community-based alternatives should be mutually exclusive sentencing options, meaning they should not be imposed at the same time. There should be an end to the stacking or piling-on of sanctions. Moreover, we suggest that restitution, fines and court costs should only be imposed upon those with reasonable means of repayment. For those who cannot pay, community service may be an option. Further, we suggest that court-ordered child support payments be suspended while a person is in jail or prison, unless the court can demonstrate that the prisoner has assets or income to pay the bills.

6. RESTORE VOTING RIGHTS TO ALL FELONS AND PRISONERS

Another matter that concerns us is voting rights. The United States is one of the few advanced industrial countries that deny most prisoners in jail (even

before they are convicted of felonies) and convicted felons in prison, on parole, or in some states for the rest of their life, the right and opportunity to vote in elections. If the government wishes prisoners to become responsible and contributing members of society, it should endow prisoners with the same democratic rights as other citizens.

People do not lose their sense of fairness and justice just because they go to prison. Their life experiences are often unique and varied, and their opinions and values are no less valid than those of any other person. Moreover, because law and order is often such a key component of election campaigns, the voice of the criminal is of critical significance. Criminals, generally, have a practical and realistic view of criminal justice issues, nurtured by years of personal experience. The enfranchisement of prisoners is thus a fundamental component of any society, which calls itself “democratic”.

7. CLOSE OLD AND FUNCTIONALLY OBSOLETE PRISONS

Prison conditions have steadily deteriorated over the past thirty years, largely because of growing correctional populations, rising incarceration costs, ageing institutions and a thinning of resources. Many American jurisdictions, struggling under the weight of heavy correctional population increases, have been forced to keep archaic institutions open in order to contain the burgeoning numbers. Prisoners in old penitentiaries may be forced to sleep two or even three to a cell, or on the floor along a tier. In most medium- and minimum-security facilities prisoners sleep in dormitories. Such conditions create huge management problems, with the result that up to 20 percent of the population of some institutions has to be kept in solitary confinement under administrative or punitive segregation. Here, with almost nothing in the way of vocational or educational resources, they languish until their sentences expire (Austin and Irwin, 2001; Austin *et al.*, 2001; Irwin, 2005, 2009; Richards, 2008; Ross, 2008).

We oppose the warehousing of prisoners in old penitentiaries and reformatories. Over many decades, the design and operation of these archaic “big house” prisons has dehumanized prisoners, contributing to higher levels of intimidation, serious assault, and sexual predation than in newly constructed facilities. As is the case in many other advanced industrialized countries, a reduced prison population detained in smaller institutions could

be accomplished by constructing or redesigning prison units. In small correctional facilities where prisoners are held in single-celled units of no more than 60 people, maintaining control and security is easier and the incidents of sexual predation is close to zero. New Zealand, along with a number of European countries, follows this model (see Newbold, 2007).

Accordingly, we recommend that American correctional authorities work towards the replacement of “big house” prisons with smaller, more management-friendly facilities. Modern prisons should be divided into small, discrete, administrative units of about 60. Small-unit management provides staff with an opportunity to get to know the prisoners, their names, their needs and their ability for self-improvement. Having a collection of such units upon a single site allows for the development of a variety of larger industries and work programs for the development of the prisoners’ employment skills.

8. RESTORE FEDERALLY FUNDED HIGHER EDUCATION TO ALL PRISONS

All prisons should offer prisoners serving sentences over one year the opportunity of accessing education programs appropriate to their competence and aptitude. These might involve courses taught inside the prison or at nearby colleges. The federal government should help underwrite tuition costs. Alternatively, states might consider a program that waives the first year of tuition, or room and board, at state-supported schools and universities, for men and women just released from custody.

The state would save money by assisting former prisoners to attend college, rather than having them living on welfare and returning to prison. It now costs, depending on the state and level of security, from \$15,000 to \$100,000 to keep one adult in a correctional facility for a year. For example, it might cost \$15,000 a year to keep a person in a minimum-security camp, while the expense for high-security or super-max solitary confinement might approach \$100,000 per year. If assisting prisoners with the cost of higher education helps them to get jobs, pay taxes, support their families and avoid further imprisonment, the potential savings can be significant (Richards and Ross, 2007).

Federal funding might also be used to begin innovative college programs inside prisons. The important idea is that the federal government has a

responsibility to help return college programming to prisons. In Wisconsin, for example, a program called “Inviting Convicts to College” has been in place since 2004, training pairs of undergraduate student intern instructors to go inside prisons to teach a free college course entitled “Convict Criminology” (Richards *et al.*, 2006, 2008a, 2008b; Rose *et al.*, 2005, 2010a, 2010b). The courses use the books *Convict Criminology* (Ross and Richards, 2003) and *Beyond Bars* (Ross and Richards, 2009) to educate and inspire the prisoners. Classes are taught two hours a week, for 14 weeks, and are supervised by ex-convict professors.

Prisoners exiting prison use the course as a bridge to entering college, with the final weeks including instruction on completing university admission and financial aid forms. The prisoners learn that admission to college, as well as financial aid grants and loans, can be a viable parole plan. The program has already helped a number of prisoners to enter universities where they receive ongoing advice and mentoring from members of the Convict Criminology Group.

9. PROPERLY PREPARE PRISONERS FOR RELEASE

Preparation for release should begin the day a person enters prison and should intensify as his or her discharge date approaches. Prisoners should be processed from high to low-security levels as part of a carefully planned “staged release program”. This means a prisoner who enters a maximum-security prison (penitentiary) is provided an opportunity to earn his or her way down the ladder to medium-security (correctional institution), then minimum-security “in custody” (prison camp), and finally minimum-security “out custody” where he or she qualifies for home furloughs and release to work a job or attend college in the community during the day and return to prison camp at night.

In order to assist prisoner development, institutions need to invest in libraries, vocational and educational programs, social work services, and medical care. This requires increased funding, a commitment to helping prisoners, community co-operation, and a steady flow of information and feedback between the prisons and community corrections concerning conditions on the street. These programs should include liberal visitation privileges, home furloughs for well-behaved prisoners, and family and employment counseling.

All prisoners should have a detailed plan prepared by a dedicated release planner, before discharge. This may be a work-release or parole plan. The release planner should arrange for persons nearing release to obtain drivers' licenses and social security cards. Prisoners with outstanding consumer or tax debt could receive legal counseling on filing for bankruptcy. The plan should include specific reference to family, place of residence and employment or school. Also, pre-release preparation may include escorted home visits for men to see their children and spouses or ex-spouses, if deemed safe and appropriate.

Another recommendation concerns the need for work-release facilities within or near prisons, operating with low supervision. Few work-release clients require the intensive supervision used in controlled movement facilities. We suggest that work-release centers currently operated by the federal government and non-profit agencies may provide a model for the guidance of state correctional administrators contemplating such a move.

Irrespective of work-release, however, we urge that individuals getting out of prison should have enough "gate money" to provide for up to three months' living expenses as a guard against financial desperation and relapse. All persons exiting correctional institutions should have clothing suitable for the climate and environment into which they are entering, and access to subsidies for work-related clothing and equipment expenses. Some of the costs involved could be recouped from prison wages, with the balance provided by the state.

Finally, all states should consider funding prison, residential, and counseling services administered, operated, and staffed by ex-convicts who hold college degrees in social work, social science, or related subjects. Former prisoners know and understand the difficulties of leaving prison and re-entering the community. Their expertise is an available resource rarely utilized and desperately needed if we are ever to make a dent in the rate of recidivism.

10. IMPROVE MEDICAL SERVICES

We believe that providing proper medical care for persons in custody is a fundamental duty of the state. As things stand, one of the most terrifying scenarios is to be a prisoner in the United States with a serious illness. The standard of treatment for sickness and pain is generally poor, and there is

much unwarranted suffering, sometimes leading to untimely death, within our penal institutions. We recommend that independent qualified hospital staff, outside the command structure of corrections departments, regulate all prison medical care. We also recommend that prisoners with serious or terminal medical conditions be transferred to community hospitals, where they can receive better medical treatment, at a reduced cost.

However, recognizing that prevention is better than cure, and that many entering prisons come from backgrounds of poverty with limited access to medical services, we also recommend that all prisoners be provided with education in health and nutrition. By giving prisoners proper training in health, prison-related health care expenses could be reduced and the health status of the prisoner would improve over the course of incarceration. Thus, it would be more likely to be maintained after release. Additionally, the adoption of a healthy lifestyle may lead to a reduction in criminal or drug-related activity, and reducing recidivism (see Murphy, 2003, 2005).

11. PROVIDE COMMUNITY RESOURCES CENTERS

If we really want to help people coming out of prison, we need to provide for the likelihood of their success. When they are released, they should thus be free of petty or punitive parole supervision. This means not only a relief from intrusive scrutiny, but also provision of appropriate professional services. Through a process of assisted decision-making, prisoners should be enabled to make responsible choices about the kinds of help – vocational, domestic, medical, drug and alcohol treatment – that they may need.

Accordingly, we suggest that probation and parole workers be assigned office space at well-equipped Community Resource Centers, which would provide services to help people find jobs, get training, go to school, secure affordable housing, and readjust to family life. This deployment would serve the needs of both ex-convicts and the local community. These centers could serve a broad spectrum of people with fewer state or federal employees. Some resource workers might specialize in people coming out of jails or prisons, while others would focus on the disabled, homeless or unemployed. These services would help offenders adjust to the “free world”, thus reducing their chances of returning to a life of crime.

12. PROVIDE RESIDENTIAL TREATMENT CENTERS

The current punitive system of justice incarcerates people without addressing seriously the factors that led to the offending in the first place. The public demands that criminals be punished for their crimes, but for a correctional system to be effective, it must also alter criminal behavior patterns and mindsets. Drug related crime presents a special challenge, because in this case, addictive precursors to criminal activity also have to be neutralized.

We encourage authorities to consider thinking about the prevention of criminal and addictive activity in a new way: through state-run Residential Treatment Centers (RTCs). RTCs may operate as a substitute for imprisonment or as a means of assisting prisoners at the very end of their time in prison, or when they return to the community. There are a number of ways of running RTCs, but the Delancey Street Foundation in San Francisco and its sister organization, the Salisbury Street Foundation in New Zealand, are possible models (see Hough, 2003; Newbold, 2007; Newbold and Hough, 2009).

RTCs generally offer residential treatment of twelve months or more for selected offenders, within a system of graduating privilege and freedom. Residents are assisted into jobs and accommodation upon release, and receive ongoing support on an ad hoc basis once they are discharged. Organizations of this type are no ‘magic bullet’ for the problem of recidivism, but when properly operated and resourced they can have a significant impact on the post-prison lives of some offenders. Because RTCs are less expensive to run than prison they are a worthwhile investment for any jurisdiction serious about reducing reoffending.

We suggest different states might begin pilot programs where they convert one or more prisons into an RTC. The RTC would be staffed by more social workers, teachers and health care workers, and fewer correctional officers. This would give the states large facilities where they could treat thousands of persons at one time.

They might also explore allowing free citizens to voluntarily request commitment as a means to receive treatment for alcoholism, drug addiction or other behavioral problems that may be associated with criminal offenses. People might ask for help because they know their problems will eventually lead to arrest. For example, people that drink

and drive, or have become addicted to street drugs or doctor prescribed medications, or have developed a pattern of losing their temper, would ask for treatment. The RTC would be operated to serve a diverse population of people, including those assigned by court, jail or prison, as well as those that know they have a problem and request admission, without any arrest or conviction.

CONCLUSION

In this article, we have proposed policy recommendations for rethinking incarceration and the reentry process in the United States. Our proposals have ranged from suggestions relating to sentencing, prison alternatives, changing the job orientations of correctional employees, improvements in the physical conditions of prisons, preparation of prisoners for release, and finally the availability of integrative programs and services for prisoners after readmission to the free world.

Nevertheless, we have left a number of topics unaddressed. We have not discussed the experience of arrest, pre-trial lockup and court processing (see Ross and Richards, 2002, pp. 1-46). We have not touched on the spoiled identity of felons resulting from online public access to criminal records in the United States (Murphy *et al.*, 2010), the plight of ‘lifers’ in the prisons (Irwin, 2009) and many other topics.

As Convict Criminologists, we contend that state agencies routinely fail to address simple problems that contribute to high incarceration, re-offending and reincarceration rates in the United States. In effect, state agencies have created a “perpetual incarceration machine” (Richards and Jones, 1997, 2004) that recycles the same people repeatedly through the same processes without improving their life-chances. In failing to adequately prepare prisoners for life after incarceration, prisons set in motion a self-motivating cycle. Unless the traditional and popular notions about crime and punishment, which form the basis of the existing system, are questioned, meaningful change will not be possible. In our view, if the taken-for-granted is not contested to the point where state agencies become ready to rise to the challenge of finding pragmatic solutions, recidivism will remain at its currently high levels, while the prison system will continue to replicate its record of dismal underachievement and failure.

ENDNOTE

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