

Rehabilitation is Lost in Our Era of Mass Incarceration

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The criminal justice system is out of control, and in the era of "Mass Incarceration" the rehabilitation component is non-existent.

The United States of America is the leading nation of western civilization, and the U.S. is the leading nation when it comes to imprisoning its citizens. The United States now has the highest rate of incarceration in the world, dwarfing the rates of nearly every developed country, even surpassing those of highly repressive regimes like Russia, China, and Iran. In Germany, 93 people are in prison for every 100,000 adults and children. In the U.S., the rate is roughly eight times that, or 750 per 100,000¹ (PEW center 2008). As the "leader" of the free world, I do not believe this to be a category where the U.S. can be proud of being at the head of the class.

In the "Mass Incarceration Era" of our criminal justice system the words "reform", "rehabilitate", "redemption", and "corrections", have been replaced or lost altogether. Our prison systems have defunded higher education, vocational programs are minimal, and re-entry programs are non-existent parole programs have been abolished and good behavior is not incentivized. Our system has yet to employ practices of restoration, forgiveness, or assistance for those entrapped by the vices of criminality. The lock-em-up and throw away the key mentality has caused our prisons to overcrowd² (Cohen 1983) and to deplete state budgets³ (CJN 1992). The system is broken both inside our prisons' walls and outside by the way our criminal justice is meted out.

Our justice system is not one of fairness (a jury of your peers), a 68 year old suburban white woman is not the peer of a 17 year-old inner-city minority youth, equality (people of similar upbringings excluded from jury participation), or

restoration (serving 100% of a sentence regardless of redeemable qualities). It is wrought by racial prejudice, (blacks are 7 times more likely to be imprisoned for drug offenses), bias, (courts upholding flawed convictions), and lack of concern for offenders, (no psychological evaluation before adjudication) with a false concern for victims, (victims most times become victimizers). On one-hand, you could be a victim of a horrific crime and your victimization can be sensationalized by the police and policy makers to enact a law or call for tougher sentencing for those who commit a similar crime. On the other hand, your ordeal can cause you to develop coping mechanisms which in turn cause you to be the next criminal and the policy makers will turn a blind eye to the causes of your criminal behavior.

In a perfect world true criminal justice would be holistic, spiritual, restorative, as well as punitive. Punishment is at times necessary but never the goal! The punitive turn⁴ (Gest 2001) of our criminal justice system has created a population of lost, neglected, and disenfranchised citizens. The heavy handed turn of policies geared toward incarceration without any regard toward restoration has caused greater harm than good to our citizenry as a whole.

The draconian policies of our criminal justice system or punishment to fit the crime and worse, have caused our prisons to burst at the seams with an aging prison population, but the system is not preparing them for re-entry to society. Most offenders will eventually be released back into society. Is it fair to send offenders home without proper preparation or re-entry programming? This is bad for both the offender and our communities!

I would liken penal institutions to hospitals. When a person is sick he/she goes to the hospital to see a professional who assesses and diagnoses the ailment and also prescribes a regimen of healing/restoration. Our penal institutions should align with this same mode of operation.

The criminal justice system deems a person unfit for societal norms and sends him/her to prison where there should be an assessment and diagnosis of the individual, by a professional, and then a regimen ~~for~~ of healing/restoration (rehabilitation) prescribed for each individual. When an offender shows signs of growth and has met the set standards of rehabilitation then parole can be granted. We would not allow our hospitals to operate the way our penal system works today.

When I was young and had to be disciplined, it was not out of spite that the discipline was given out. Sometimes these words accompanied the discipline, "This is going to hurt me more than it hurts you." For a child, these words are a far cry from the truth. But, as an adult, I understand the intended sentiment behind the words. As a child, I did not understand punishment accompanied with compassion and love. As an adult, I recognize that there is no love that is void of discipline. But that form of discipline is empathetic, compassionate, and a corrective action to deter the child from further punishment and to make better life choices.

Our criminal justice policies and institutions should mimic the same restorative qualities of parents when it comes to crime and punishment. Although discipline for crime is a necessity, it should be administered with rehabilitative, redemptive, and corrective practices as the crux.

Mass incarceration has brought about policies that have overlooked the correctional component of offenders. Our criminal justice system is now strictly about warehousing and the neglect of offenders. Institutions have taken away opportunities for higher education, even when the cost of the programs are little to none for institutions. States hoard massive numbers of offenders in spaces that are overcrowded, dilapidated, run-down, and underfunded. Medical care in institutions is an oxymoron. One would be disgusted to see that the treatment of animals is far better than the way the offender population is treated. It is a mistake for any humane society to punish its citizens and to not take into account the

redeemable qualities of its population and to have policies to promote redemption.

There are many restorative processes available, at low to no-cost, for the prison industry. There are Higher Education programs, Restorative Justice, Conflict Resolution, and many other programs that cause offenders to look at themselves and develop ways that they can be a positive role model for our communities, youth, and society as a whole.

The expense of providing higher education in prisons is minimal when considering the impact on rates of recidivism⁽⁵⁾ (Marks, 1997). Inmates with at least two years of college education have a ten-percent re-arrest rate, compared to the national re-arrest rate of approximately sixty-percent⁸ (CJI 1997), and the future savings of preventing re-arrest and re-imprisonment. New York state estimates that it costs \$2,500 per year per inmate to provide higher education in a correctional facility. In contrast, the

~~average~~ average cost of incarcerating an adult male is \$25,000 per year¹⁰ (Taylor 1995). "Society should recognize that the cost of college is really very insignificant when you compare the cost of the damage done by crime." J. Michael Quinlin, Former Director of the Federal Bureau of Prisons⁷ (Marks 1997)

In addition to the millions saved by preventing an individual's return to incarceration and dependence on the criminal justice system, providing higher education to prisoners can save money in other ways. The prevention of crime helps eliminate costs to crime victims and courts, loss of wages of the inmate while incarcerated, or the costs to the inmate's family² (CJI 1997).

An estimated ninety-seven percent of adult felony inmates are eventually discharged from confinement and released into the community⁹ (Boyce 1994). These individuals would be greater assets to society if they were better prepared for release while on the inside. Restorative Justice programs are designed towards preparing an individual for interaction with others peacefully. Restorative justice is a holistic approach to an age-old systemic problem that seeks to bring individuals and communities into a united front against epidemics of violence and dis-unity. By looking deeper into causes of criminality and engaging the offender in responsible behaviors and accountability, Restorative

Justice programs cause offenders to see the effects of criminal behavior on the community as a whole. Bringing a communal component into the conversation of rehabilitation will give offenders a vested interest in the overall success of the community and its inhabitants. An individual will know the agencies in the community who are working to re-integrate him/her to the community and will not feel as if he/she is alone in the process.

Another aspect of rehabilitation that needs to be implemented is Conflict Resolution re-programming. These programs are intended to assist an offender in dealing with situations that are volatile and could lead to violence. For many incarcerated individuals conflict was an accepted norm, but how to deal with those conflicts amicably and peacefully was not cultivated. Giving an individual a different perspective on conflict and how to deal with it peaceably should be imperative in a criminal justice policy.

Many offenders come from hostile environments and the only way they know how to deal with conflict is through confrontation. A place for ^{the} housing of these offenders should have a policy to reform the ideology of the offenders. "We must accept the reality that to confine offenders behind walls without trying to change them is an expensive folly with short-term benefits --- winning battles while losing the war." Former U.S. Supreme Court Chief Justice Warren Burger¹⁰ (Taylor 1993)

Offenders also have the responsibility of self-redemption. Actually, this is the most important aspect of rehabilitation. Offenders must come to the realization that he/she cannot continue to point the finger or place blame on others for his/her restoration or lack thereof. Offenders have to see their situation for what it is and not how they hope for it to be, and find within themselves self-worth. There are too many instances of going along to get along. Offenders must be willing to choose the less popular route and maybe stand away from the crowd. The criminal justice system is supposed to be a deterrent to crime. Yet, it is within this same system in which the criminal element thrives. For some, it even furthers their growth in or exposure to a continuum of criminality.

An offender must take it upon him/herself to begin the process of reform. "You can lead a horse to water, but you can't make him drink," as the old adage goes. Offenders must take a risk assessment account of themselves and devise a course of action that will bring about the necessary changes indicative of useful citizens. As prisons have cut-back on most correctional programs and policies, an offender has to look within or to other prisoners with the desire to transform themselves to useful citizens. Befriending others who have begun the transformation process of being an asset rather than a hindrance to growth, unity, and human decency is a building block in the rehabilitation process. The most honest gauge of an offender's progress is another offender. As a whole, the offender population is more astute, honest, and aware as to what it takes to reform, rehabilitate, and redeem.

An offender's family and the relationships he/she values also play a significant role in the rehabilitation process. Researchers find that marriage offers a pathway out of crime for men with histories of delinquency. Not a wedding itself, but marriage in the context of a warm, stable, and constructive relationship offers antidote to crime" (Laub 1978). When institutions encourage family bonding, and the value of both parents raising or having input in their children's lives, changes in the attitudes of offenders are by-products. An offender who is in close contact with their spouse, children, and other family members wants to be a part of a productive family structure. Criminal justice policy and institutions should promote family unity, its value as an ideology.

I hear the nay-sayers and detractors that say, "Criminal justice policies and institutions are about crime and punishment. Retribution should be the foundation of all penology." I understand their position of being tough on crime and those who commit crime. I sympathize with the victims of crime who feel that offenders should be punished harshly regardless of the crime committed. I, also, understand the position of those against giving someone a second chance, whom they feel did not give the victim(s), of the crime, any second chance. I empathize with the families who have lost sons, daughters, moms, dads or other loved ones to crime. But, shouldn't criminal

justice have a humane component that teaches offenders that they are better than any act of crime? That they can learn from their mistakes and choose to be productive citizens in our society?

It is impossible to talk about crime, punishment, and rehabilitation without being mindful of the pain of those most adversely affected by crime. I believe that victims of crime or their family members should play a significant role in any redemptive policy of criminal justice.

I know remorse and rehabilitation go hand-in-hand. I believe that forgiveness goes a long way in the healing process for all human beings. Not just outward forgiveness, which comes out of your mouth, but inward forgiveness, which comes from the heart. I believe the beginning of the healing process starts with an offender coming to terms with the offender/offended process, and being given a look at the scope of the pain and the coping mechanisms victims use in dealing with their pain. I believe this is one way that redemption can begin and unity can be accomplished, plus have a positive impact on crime statistics. It is inhumane for punishment not to be accompanied with rehabilitation. If that is the case, then we should do away with prisons and every crime, no matter how minute, will be punishable by death, no exceptions!

When the argument is about greater offenses as opposed to lesser offenses, policy is always about the redeemable and restorative qualities of the lesser offender. This same policy should be universal across the spectrum for all offenses. Humanity and moral decency call for forgiveness and an opportunity for rehabilitation for all offenders, not just the petty offender. Someone who commits a ~~crime~~ wrongful act should not forever be judged by it. If that were the case, then the United States of America will forever be judged by the atrocities of slavery. Our offender population should be subjected to a policy that focuses on changing their thought processes, and causes that brought about the wrongful act.

My argument is not for complete absolution for an offender's wrongful actions. My argument is for criminal justice policies and practices that promote social awareness of crime and punishment, an understanding of compassion and empathy, a reflection of

moral decency, and the humanity of all beings, even and especially those who commit crime. In Germany offenders are expected to work at jobs comparable to those in the real world. They have protections against arbitrary dismissal and are even entitled to unemployment benefits and four weeks of vacation. I believe this to be a different approach that could have far-reaching implications that cause offenders to re-evaluate themselves. This would have a positive effect on crime rates.

My position is akin to the non-violent civil rights movement of the 1950's + 60's. In those protests many people were spit upon, bottles and rocks were thrown at them, they were beaten by mobs, dogs were used against them, not to forget waterhoses, etc... all by those people opposed to equal treatment of all human beings. These attackers were in many instances government officials and employees. The protesters were provoked to react violently toward the people who were against de-segregation and the equality of all humankind. Dr. Martin Luther King Jr. and many others endured some of the worst treatment, while standing for the equal rights of all. They refused to fight fire with fire, or an eye for an eye, as the Bible says. They would not resort to violence to gain the equal treatment they were demanding, and the Constitution of the United States of America guarantees. They knew they had to love their haters and show them respect, or turn the other cheek, as the Bible also says, in the face of hatred and criminal activity. They employed a heightened awareness strategy and understanding towards a people who needed to be re-habilitated in their thought processes about de-segregation. This is the idea upon which our criminal justice policies and institutions should be predicated. To treat people as you want to be treated is an age-old concept. We cannot de-value or disregard a human being just because he/she has stepped outside the boundaries of the law.

Even in the face of great resistance we have to be the voice of reason and compassion. We have to place value on every life and believe that even the so-called "incurable" are worthy of humane treatment. How can we judge a person as guilty for a wrongful action, and then banish that same person to a facility that is wrong

in how it treats the person? That is the proverbial pot calling the kettle black. How can we raise the awareness and conscious choices of an offender, if our criminal justice policies and institutions only promote the same negative behaviors and ideas of the offender? Where does the criminal mentality end and justice begin? Two wrongs do not make a right!

Yes, I agree that crime is rampant and the criminal element is infecting many of our communities. Yes, we must do something that will combat the terror that is waged against our citizens. I am not against the criminal justice concept. I am for implementation of criminal justice policies that address the problems of the offender population humanely and compassionately with the goal of rehabilitation. I am strongly against warehousing masses of citizens and calling it a punitive form of justice. It is asinine for institutions to keep offenders holed-up in a cell without having to participate in any form of rehabilitation programming. Where is the justice in keeping someone locked away until he/she dies? Sitting in a cell without any requirement of responsibility toward society or humanity is a total waste of time, money, and people.

In the era of "Mass Incarceration" new and innovative ideas are favorable to a reduction in crime and prison population. Offenders should not be overlooked as being part of the narrative on criminal justice policy because they are entrapped in the system. On the contrary, offender input and participation is much needed and will be the springboard to greater future success. Do you know the difference between saving someone and helping someone? The difference is: when you save someone you do all the work, when you help someone ^{he/she has} ~~they have~~ to participate in the work. Offenders need help not saving.

The Russian writer, Fyodor Dostoyevsky said, "The degree of civilization in a society can be judged by entering its prisons"¹² (Dostoyevsky 1862). If he were to enter the prisons in America, he would not think of America as a leading power on the world stage. America would be judged, at best, a third-world country for how the offender population is treated and the draconian laws (mandatory minimums, 3 strikes law, death penalty), and policies (stop and frisk, pretextual stops) used to police its

citizenry. There is not a simple solution to crime and punishment. But a civilized society should address the situation from a preventative, reformative, redemptive and restorative platform. We should never view our citizens as a lost cause or past the point of re-habilitation.

We don't give up on those addicted to drugs or alcohol. We have twelve-step programs for the re-habilitation of alcoholics and drug-addicts. As a matter of fact, drug re-habilitation centers are big business for the private sector. Prisons are the re-habilitation centers for the offender population. They should assess all offenders on a personal basis to get the offender to confront personal issues that may cause him/her to commit wrongful acts from the on-set. The "Mass Incarceration Era" calls for a reform of America's punitive criminal justice policies, practices, and institutions.

Conclusion

The drive to incarcerate, punish, and limit the activities of offenders has often resulted in the elimination of strategies and programs that seek to prevent or reduce crime. With so many ex-offenders returning to prison, it is clear that the punitive incarceration approach to public safety is not working. America needs to promote policies and procedures that are compassionate, humane, and cost-effective to be successful at crime prevention.

The implementation of re-habilitative policies, educational opportunities, redemptive programming, and cost-effective crime prevention strategies are necessary components to successful criminal justice policy. America must reverse the punitive turn of its criminal justice system for a more humane, productive and beneficial policy that promotes the usefulness of all mankind, inspite of past mistakes and errors.