

## CHAPTER 6



### *The Reentry Experience and Reentry Challenges*

This chapter details the experiences and challenges that individuals face after release from prison. Scholars have identified many hurdles that ex-prisoners confront, including difficulties obtaining employment, housing, and drug or mental health treatment; reintegrating with children and family; and regaining or simply having a sense of civic identity. The chapter provides an overview of the process and experience of reentry. It then describes the logic of introducing additional, or invisible, punishments for convicted felons after they have been released from prison. These additional punishments constitute one source of challenges that make reentry difficult for ex-prisoners. Our discussion then turns to a description of some of the specific reentry challenges individuals face upon release from prison and discusses their implications for ex-prisoners, families, communities, and the criminal justice system.

One of our central arguments is that reentry entails complicated processes and challenges and has diverse consequences. The move to mass incarceration, for example, brought with it a decreased emphasis on the social work dimensions of parole and an increased emphasis on supervision. Even so, many inmates now leave prison and receive virtually no supervision. Whether supervised or not, individuals who leave prison typically come from impoverished backgrounds and have accumulated a diverse set of in-prison experiences, some helpful and some harmful. They then return to communities that may not welcome them. In addition, they continue to be punished and to experience restrictions that are historically unprecedented. These invisible punishments and constraints can create challenges for ex-prisoners and result in collateral consequences for them, their families, and their communities. Ultimately, the risk is that these punishments and constraints worsen crime, labor markets, and family and community well-being. In the conclusion, we return to this idea and discuss its implications for policy.

## THE REENTRY PROCESS AND EXPERIENCE

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### *Ex-Prisoners, Returning Soldiers, and Reentry*

In the conventional view of prison, individuals go to prison, realize that they made a mistake, change their attitudes and beliefs, and commit never again to engage in criminal activity. When they leave prison, individuals pick up where they left off, only now they have the tools and proper attitude for leading a pro-social life. If we are watching a movie, the final scene shows someone leaving a correctional institution, embraced by a spouse and family. If we are watching a political ad, such as the one Ann Richards, a Democrat, ran during her 1994 gubernatorial campaign against George W. Bush, a Republican, we hear, “You do the crime, you do the time,” with the attendant implication that somehow the punishment will unquestionably deter would-be offenders from criminal activity.<sup>1</sup> In short, go to prison, leave, and reenter society as a better person, one with moral strength of character, a greater appreciation of the law, and a commitment to helping rather than harming society.

The reality of reentry differs greatly from this scenario. To gain insight into why, it can help to look far afield from criminals and focus instead on a group who, on the face of it, could not be more different—soldiers. When we compare and contrast ex-prisoners and returning soldiers, we in fact can see many instructive parallels.

In both cases, individuals have undergone experiences to which few people in mainstream society can relate. For example, inmates may have witnessed or participated in extreme violence. They may have done so out of frustration, fear, or a commitment or perceived need to support other inmates. Soldiers, too, see and commit violence that most of us have never seen or undertaken. Typically, the violence is legally sanctioned and, indeed, expected or demanded. Sometimes, the violence accords with what the military allows. Other times it may not and, indeed, may be criminal. Whether legal or not, participation in violent acts can be a source of considerable psychological strain, which can be amplified when one returns to a setting where few others can understand or relate to engaging in these acts.<sup>2</sup>

For both inmates and soldiers, time away from family and friends constitutes a significant source of strain. It can create greater emotional distance that, in some instances, leads to separation or divorce. Relationships with children can deteriorate. In addition, and perhaps more dispiriting, inmates and soldiers typically lack much if any control over the lives of their families. They cannot easily help them, for example, in their day-to-day activities, provide support during emergencies, or ensure that food and housing are in place.

Reentry involves similar challenges. Reestablishing intimacy with loved ones and bonds with children, family, and friends can be difficult. One’s previous roles in various social networks may have been clear-cut, but now no longer are. Finding gainful employment and stable housing may be challenging. Homelessness constitutes a risk for both groups. Also, addressing mental health problems or physical limitations can be difficult.

More parallels can be drawn, but those above suffice to highlight the simple but no less important insight that reentry entails many complications and challenges. With soldiers, we have little difficulty appreciating this idea and readily endorse the provision of support services to help them make a successful transition back home. With ex-prisoners, however, such an insight seems more difficult to sustain. Somehow criminals must be different. The fact of having committed a crime creates a master status of sorts that privileges the fact of having committed a crime over that of other characteristics of the individual or of actions that he or she may have undertaken. Compared with the soldier, they are “less.” In particular, they lack an appreciation for the law. Accordingly, after teaching them a lesson by putting them in prison, we can release these individuals back into society and all will be well. If they face challenges, so be it. They chose to commit crime, they will need to confront the consequences.

We focus here not on the moral implications of this view but rather on its pragmatic consequences. Let us assume that the individuals who go to prison are bad people and that we should not sympathize with them. It is a faulty assumption in many instances. People who go to prison typically have redeeming characteristics and are not necessarily on balance worse people than most of us. Even so, in many instances we all might agree that sympathy might be ill placed. Regardless of whether those who leave prison are “bad” or “good,” the risk to society remains—reentry experiences may contribute to worse, not better, outcomes for ex-prisoners and their families and communities.

With returning soldiers, the concern is that, absent support, they and their families and communities suffer. With ex-prisoners, the concern is that reentry may contribute to further homelessness, unemployment, crime, and adverse outcomes for families and communities. Although we may find the notion of providing support unpalatable, failing to take supportive steps might lead to adverse effects.

### *The Process of Reentry*

What is reentry? Broadly, we can understand reentry as a process of returning to society and attempting to engage in the life activities that define most of us. These include becoming enmeshed with family and friends, living in stable housing arrangements, finding meaningful employment, managing our health, and so on.

The essential defining dynamic of reentry involves a return. (Almost all individuals who go to prison will return to society.<sup>3</sup>) When we already live somewhere, have a job, and a daily routine that involves other people, there is no return. However, when some event interrupts our lives—going to war, serving overseas in some capacity, or, in this instance, going to prison—then reentry can happen. The interruption creates distance that influences us on many levels. We forget routines and learn new ones, which in turn may become the habits to which we adhere unconsciously. Others may forget about us or move on with their lives in ways that prioritize new friends or family and make it difficult to include us when we return. We may lose assets or resources to which we once had access. The longer the duration of the interruption, often the more difficult the return.

Reentry thus is not a rapid-fire event in which an individual instantly resumes their place in society, much as they would if they had a twenty-four-hour illness and returned to the land of the living the next day. Instead, it requires time and ingenuity to resume relationships, find housing and work, address health problems, and more. These challenges would be daunting to most of us. They are all the more daunting for ex-prisoners who face additional barriers such as having to indicate felony convictions on employment applications.

In addition, reentry requires us to negotiate the ways that others see us. Soldiers who return from war experience this challenge, especially when the people with whom they come into contact disapprove of war in general or the particular war in which the soldiers served. They do not necessarily return to welcoming arms but instead may encounter acute social disapproval. Similarly, ex-prisoners face social disapprobation. The social isolation itself raises questions for ex-prisoners about their very place in society and whether they belong.

The challenge ex-prisoners thus face is, in part, existential. In particular, how do I, as an ex-prisoner, define myself, and how do I let others define me? Shadd Maruna's interviews with prisoners who desisted from crime have highlighted the salience of these questions and of social support in answering them. His research has found that desisters tend to have support from at least a few individuals who believe that they have a good, or redeeming, side.<sup>4</sup> These individuals did not necessarily reject the fact that they committed illegal acts. They did, however, focus not only on this fact but also on the idea that these acts alone did not define them. They were more than these acts. The support of others who believed in them helped to sustain this view, which led to desistance from crime.

Ex-prisoners, like soldiers, face, too, the challenge of managing the experiences that they had while away from conventional society. Most of us have been frustrated by having experiences that we cannot share with others, and have felt relieved when we can talk with someone who has been there and gets it. Support groups of all kinds exist that aim for this shared understanding. They may be groups focused on having experienced cancer, alcoholism, depression, or any of hundreds of challenging events in life. Soldiers and ex-prisoners typically have experienced, participated in, or witnessed violence and abuse and often need support to manage the psychological aftermath.

If we view reentry as a dynamic process, we necessarily implicate other considerations. We focus not only on recidivism but also on the ability to obtain housing and employment and to return to families and communities that ideally help rather than harm them. We focus not only on ex-prisoners but also on their families and the communities to which they return. We focus, too, not only on short-term success but also on longer-term success. The goal is not a reduction in recidivism for 1–2 years but rather desistance over the life course and reductions in crime rates for many years. This longer-term focus is critical if we wish to make meaningful strides in improving social outcomes. Many studies show, for example, that communities that experience high levels of poverty and crime become isolated. Concentrated disadvantage in these areas make it increasingly difficult to alter their trajectories and improve the lives of the residents in them.<sup>5</sup>

Finally, reentry is not the same thing as reintegration. The latter term has been used for decades and suggests that individuals previously were integrated into many aspects of society and now simply need to return to their previous position. They may not have been well integrated into society at all, though. A similar problem arises with the term “rehabilitation.” It suggests that an individual once was “habilitated” and needs simply to be returned to that former state.

In the end, concepts are not correct or incorrect but rather more or less useful. Here, we follow the lead of many scholars who, over the course of the last decade, have relied on the concept of reentry to highlight that leaving prison is, as Jeremy Travis has emphasized, a process.<sup>6</sup> This process involves many challenges to becoming a pro-social member of society. It does not only involve reintegration or rehabilitation. These may contribute to or be part of the reentry process. However, that process involves much more. It may involve achieving a level of integration or habilitation that exceeds what the individual had prior to incarceration. For example, an individual who was homeless before going to prison ideally will find stable housing when he or she returns to society. Indeed, reentry entails just that—a process of returning to society, overcoming a range of obstacles, accessing services and treatment when needed, and more. If successfully negotiated, the process may result in reintegration and rehabilitation; if unsuccessfully negotiated, it may result in recidivism and adverse outcomes.

### *Survival Shows and Barriers to Reentry*

One of the problems that plague criminal justice policy discussions is that we view the individuals who commit crimes as fundamentally different from us. We are law-abiding; they are not. We are persistent and hard workers; they are not. We have strong moral fiber; they do not. We confront barriers in life head-on and overcome; they do not. We tend to assume, too, that these individuals—the ones who differ from us so much—respond in a straightforward way to punishments, such as incarceration.

Such assumptions likely are wrong. The individuals who go to prison do not necessarily differ from us, at least not in a few key respects. In addition, research typically finds that those who leave prison do not intend to commit crime. Rather, they want to lead a pro-social life and anticipate that they will do so.<sup>7</sup> That they will encounter substantial barriers seems to bypass many inmates, who frequently think that upon release their lives somehow will fall into place.<sup>8</sup> Differences do exist, of course. From research, we know that many individuals in prison, more so than members of the general public, come from highly disadvantaged backgrounds, have lower levels of intelligence and self-control, and have spotty employment records. Such differences distinguish them from the average citizen. Yet they also typically have family and friends who support them and have levels of intelligence and self-control that do not dictate that a life of crime need necessarily occur. In these respects, they are similar to the average citizen.

The relevance of these observations lies in the fact that if we want to improve reentry processes and outcomes, it can help if we understand what reentry might be like. It can help, too, if we understand that members of the general public,

who have considerably more individual and social capital compared with those who go to prison, likely would have a difficult time reentering society after a term of incarceration. Imagine a prison survival reality show, for example. The goal, as with many survival shows, consists of overcoming a series of challenges better than the competition. With reentry, though, the challenges involve not just a series of activities that must be undertaken or barriers that must be cleared. They also include accepting a change in one's personal characteristics or resources. They include, too, confronting a variety of invisible punishments that create additional obstacles to achieving such goals as obtaining a job, housing, and the like.

Consider the following scenario that might serve as the basis for a survival-of-the-fittest reality television show. First, you have hurt someone. Perhaps you feel guilty. Perhaps not. But it constitutes one fact about your past that defines you, that may influence how you see yourself, and that likely will affect how others see you.

Second, you must accept a substantial lowering of your intelligence and self-control. In essence, you start out hungry, sleep-deprived, and fatigued.

Third, you spend a year in prison. You see violence. Occasionally, you participate in violence, perhaps out of frustration or because you feel that you must do so to protect yourself. Or perhaps your impulsiveness leads you to resort to violence to resolve conflict even though alternative approaches might be more effective. You are bored for a great deal of the time. You rarely if ever see family. Friends who said that they would visit do not. Your spouse or partner, if you have one, is upset with you, rarely visits, and runs into a number of challenges, such as paying the rent, which you cannot resolve. Some prison officers taunt you on a regular basis.

Fourth, you return home. Employers do not want to hire you because you have a lousy work history and you have been convicted of a felony. You cannot live with your family because they live in subsidized housing and you have been convicted of a felony drug crime. You have no savings and so cannot rent an apartment or pay for food. The family and friends who said that they would help you try to do so, but they have little to no extra money or assistance to offer. Jobs, social services, and treatment opportunities in your home community are few and far between.

Your mission? Find a job, find housing, obtain treatment for depression, support a child in attending school regularly, develop a noncriminal sense of identity, ignore any social disapprobation that you experience, and, of course, do not commit a crime.

Even the most self-confident among us can see that this situation presents a test of character well exceeding that which most of us have ever confronted. Yet this situation characterizes precisely what the vast bulk of the 600,000 to 700,000 or more individuals who leave prison each year confronts.

We in no way need to forgive people for the crimes that they have committed or sympathize with them. We can choose to do so or not. The policy challenge remains the same in either instance: How do we punish in a way that achieves what we want punishment to do and not worsen social outcomes? How, when we incarcerate individuals, do we structure the incarceration and reentry experience in ways that improve rather than worsen social outcomes?

## THE LOGIC OF “INVISIBLE” PUNISHMENTS AND THEIR CONSEQUENCES

In Chapter 2, we touched on the idea of invisible punishments, many of which create barriers to the successful reentry of ex-prisoners back into society and have collateral consequences, such as the potential for increased recidivism as well as harms to families and communities.<sup>9</sup> What is the logic of punishments that extend outside the prison walls and that, strictly speaking, affect not only the felons who go to and are released from prison but also any individual who has a felon status, regardless of whether he or she experienced incarceration? Here, we return to this idea and explore it in more detail, focusing in particular on the reentry process and specific challenges to reentry. As we will discuss, the individuals who leave prison face a daunting set of challenges that greatly reduce the likelihood that they can become pro-social, contributing members of society. That does not mean that they somehow deserve our sympathy. Perhaps some do, and perhaps some do not. As a pragmatic matter, however, we should care because higher rates of offending, unemployment, homelessness, poor parenting, and more affect all of us in one way or the other.

Before describing these challenges, we focus first on the logic of invisible punishments, such as restricting the rights of felons to vote. Not all of the challenges that ex-prisoners face consist of these types of punishments. For example, many inmates leave prison and have few if any financial resources on which to draw. That does not constitute a punishment. It does, however, create a challenge that will make reentry difficult.

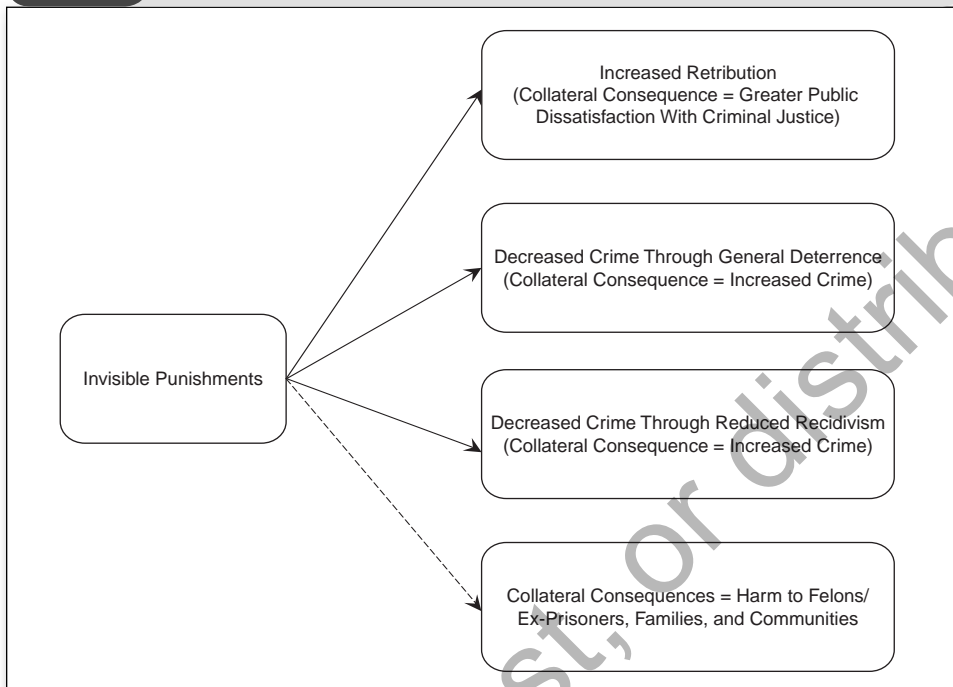
Even so, many of the challenges stem from imposing invisible sanctions. What is the logic of punishments that extend outside the prison walls and that, strictly speaking, affect not only the felons who go to and are released from prison but also any individual who has a “felon” status, regardless of whether he or she experienced incarceration?

As shown in Figure 6.1, one reason is retribution. We send people to prison to punish them for punishment’s sake. Of course, even if we toughen punishments, that may not result in increased public satisfaction with the criminal justice system. The public, for example, may not feel that sufficient retribution has occurred. Indeed, additional retribution without educating the public that penalties have become more severe likely would do little to satisfy the public. During a period of increased incarceration, it is possible for the public to feel that too little has been done to punish offenders.<sup>10</sup>

During the bulk of the twentieth century, probation and incarceration constituted the primary means of punishment and retribution. Incarcerated individuals would receive supervision and services upon release to help keep them on the straight and narrow and to rehabilitate them. However, these postrelease efforts centered on reducing crime, not on imposing more punishment for punishment’s sake.

In the latter part of the twentieth century and into the twenty-first century, the United States shifted toward a retributive stance, what scholars have described as the “punitive turn.”<sup>11</sup> One obvious place to impose more punishment was to institute sanctions, restrictions, and requirements that might be applied to individuals after they leave prison and, more broadly, to convicted

Figure 6.1 The Logic of Invisible Punishments for Felons and Ex-Prisoners



felons. What might be targeted? Well, we might extend terms of supervision. We might reduce rehabilitative intervention services and treatment. We might make it easier to identify the criminals in society through the use of registries and labels. And so on.

From a retributivist perspective, almost any effort that imposed a pain or burden on felons would suffice. One might call this emphasis on ever-greater punishment the seductive logic of retributivism. Why? Because, on the face of it, additional punishments seem not to require evidence that they work. When we bar felons from holding certain jobs or obtaining student loans, doing so seems reasonable, enough so as to obviate the need for empirical evidence that these steps are effective. At the same time, who really wants to defend criminals or argue for less punishment? Moreover, if few interventions work to reduce recidivism, then why not accomplish something else? Taking retributivist steps is easy. They allow us to feel that we are taking action. In that sense, the punitive turn can be seen as a form of action bias that leads to an intervention—more punishment—that seems necessarily effective.<sup>12</sup> We can create more and more punishment with the assumption, largely unchecked empirically, that doing so will lead to a more appropriate or culturally desired amount of retribution.

A second logic that justifies additional punishments, restrictions, and requirements is that they make the public safer. How? They may reduce crime through general deterrence or recidivism through specific deterrence, limited opportunities to offend, and the like. For example, allowing convicted sex offenders who targeted children to work at child care centers clearly does not make much



sense. To date, however, we have little empirical evidence that the various additional punishments, restrictions, and requirements yield beneficial outcomes.<sup>13</sup> Rather, ironically, what we have instead are studies that point to harms that such efforts cause to felons and ex-prisoners and to the families and communities to which they return.

This point bears emphasis. Ideally, policies have strong theoretical and empirical backing. We then can trust more that a policy, if implemented well, will produce improved outcomes. What research highlights, however, is that many invisible punishments lack a clear theoretical or empirical foundation. Deterrence theory, for example, provides no clear guidance about what we should expect if we take away an individual's right to vote. Perhaps it serves as the type of punishment that strikes fear into the heart of would-be offenders. They then refrain from further criminal activity. Perhaps, though, it makes them frustrated and angry. That leads them to feel that they can never belong in society. In turn, they may cease trying to belong and resume committing crime.

Other collateral consequences may occur as well, including increased unemployment, homelessness, and drug abuse. These consequences may affect felons and ex-prisoners as well as their families and communities. Such effects presumably are not intended (as indicated by the dashed line in Figure 6.1), but the very logic of invisible punishments can be expected to produce them. These harms may be small. Alternatively, they may be so large that they offset the hoped-for benefits of punishment. Legislators typically seek to promote the public good. However, action bias that builds on poor theory and research can lead to a situation where policymakers inadvertently worsen the very outcomes that they seek to improve. Such effects may arise through many mechanisms. In criminal justice, the efforts may directly worsen recidivism and other reentry outcomes. Perhaps, for example, having to check off "convicted felon" on an employment application reduces the likelihood of being hired and, in turn, contributes to further offending. The efforts may indirectly do so because attention and funding is focused on ineffective policies rather than effective ones.<sup>14</sup> At the same time, the efforts may create financial obligations that persist over many decades and further cement an inability to fund more effective approaches to sanctioning. For example, tougher supervision can result in reincarceration for non-criminal violations of parole conditions, in turn imposing more pressure to expand prison system capacity.

Ultimately, the litmus test for any policy is whether it improves society. The logic of imposing additional punishments, restrictions, and requirements unfortunately suggests that we cannot be sure that society benefits when felons, and ex-prisoners in particular, receive additional invisible punishments. We explore this idea further below and highlight how some of these punishments may adversely affect felons and their families and communities.

## SPECIFIC CHALLENGES DURING REENTRY

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The individuals who leave prison typically come from impoverished backgrounds and return to areas characterized by marked disadvantage. Many want to succeed, but most will not. They may lack the motivation, the skill set, or

support to succeed, or they may face challenges that all but preclude success, including having a job and housing, health, family, and friends and not engaging in antisocial or unhealthy behavior. Any one of these hurdles might be a sufficient obstacle to success; the presence of so many hurdles are, as Thomas LeBel and Shadd Maruna have emphasized, “all interrelated in the lives of ex-prisoners.”<sup>15</sup>

### *Challenge 1: Disenfranchisement (“Not Really a Citizen”)*

We begin first with the disenfranchisement of ex-prisoners. As Figure 2.4 highlighted, almost every state has enacted laws that either eliminate or limit the rights of convicted felons to vote. Some states ban inmates from voting for life.<sup>16</sup> Current estimates indicate that approximately 6 million voting age members of the U.S. population is disenfranchised; blacks are four times more likely than whites to be unable to vote.<sup>17</sup> Disenfranchisement laws and policies have resulted in many other restrictions on civic engagement. Depending on the type of offense, and on federal and state law, many felons cannot have a driver’s license, access student loans, receive government welfare benefits, retain parental rights, hold public office, serve on a jury, or own a firearm.<sup>18</sup> Not surprisingly, ex-prisoners feel stigmatized because of their criminal record and a sense that they will never be seen as anything but a criminal.<sup>19</sup>

The effect of these efforts to disenfranchise felons signals to these individuals that they do not belong and that their identity as a criminal is fixed. This problem is often compounded by racial or ethnic discrimination or a drug-involved past.<sup>20</sup> Again, while we may not be sympathetic to the plight of ex-prisoners, society suffers if disenfranchisement creates a sense of hopelessness and a lack of care or respect for conventional society. Such changes can increase recidivism and impose more social harm on others. LeBel and Maruna’s research, for example, along with that of other scholars, such as John Laub and Robert Sampson, indicates that a sense of self-efficacy and optimism can be essential to helping ex-prisoners desist from offending.<sup>21</sup>

### *Challenge 2: Housing*

Separation from family constitutes one of the top concerns among prisoners.<sup>22</sup> Perhaps for this reason, approximately three-fourths of released inmates initially reside with their families upon release from prison.<sup>23</sup> In part, though, the reason is more mundane and pragmatic—when inmates leave prison, they typically have no money in their pockets, no savings, and no established housing save for what their family or noncriminal friends might provide.<sup>24</sup> They also face legal restrictions, depending on the type of crime for which they were convicted, that preclude access to public housing. They may have vouchers for a few weeks of housing, but then must pay for the housing themselves. Shelters typically limit the amount of time individuals can reside in them. Although family may allow

ex-prisoners to live with them, the stay may be temporary, especially if their ties to the individual have weakened or if his or her presence poses a threat to housing stability for the family.<sup>25</sup>

Not surprisingly, then, some estimates indicate that up to one-fourth of ex-prisoners end up homeless; metropolitan areas experience higher rates of homelessness among the ex-prisoner population.<sup>26</sup> Parole officers indicate that finding housing is one of the hardest challenges that the individuals on their caseloads face.<sup>27</sup> Here again the concern is that society ultimately pays when difficulty in finding stable housing contributes to recidivism and to difficulty obtaining employment.<sup>28</sup> This problem may be amplified in some areas, especially those with high levels of social and economic disadvantage where few resources exist to assist ex-prisoners and where drug crime and other illicit activities predominate.<sup>29</sup> Perhaps for this reason, if inmates return to new neighborhoods, whether to protect family or to start life anew, their recidivism risk may decrease.<sup>30</sup>

### *Challenge 3: Finances and Employment*

When inmates leave prison, they normally have \$50 to \$200 in gate money, one pair of clothes, and a bus ticket.<sup>31</sup> They almost invariably will have no savings or other material assets on which to draw. They therefore will lean heavily on family and friends for support. However, the willingness of family and friends to do so indefinitely may wane. Ex-prisoners then must find alternative sources of support or risk becoming homeless.

The lack of financial resources stands out as a prominent barrier because it constitutes such a tangible nuts-and-bolts issue for ex-prisoners seeking to reestablish themselves. It creates, too, an immediate pressure to find employment, and employment prospects for felons are bleak. They typically come from impoverished backgrounds, have a less-than-stellar employment record, and reside in areas of marked disadvantage. They may have drug abuse and addiction problems as well as mental health problems and learning disabilities. And the felony record itself blocks many employment opportunities. As Angela Hattery and Earl Smith, for example, found in their study of ex-prisoners, “the process of disclosing their status as a felon was, at least in their minds, the *key factor that prevented them from obtaining employment.*”<sup>32</sup> Other studies have come to the same conclusion. Checking “felony conviction” on an employment application all but precludes employment.<sup>33</sup> As many accounts have documented, a felony conviction, or a felony conviction for certain types of crimes, legally precludes employment in certain occupations and does so even when no clear or empirically based rationale exists for imposing this barrier.<sup>34</sup>

Employment barriers highlight how multiple challenges typically exist for ex-prisoners and especially those convicted of a felony. These individuals may not have driver’s licenses, savings, housing, or basic life skills; they may have mental or physical illnesses; they face discrimination; they may have low self-control; their education is limited and they may be ineligible for student loans; and more. The imposition of employment barriers thus serves more as a factor or dimension that further cements the likelihood of failed reentry. Indeed, the constellation of deficits that individuals who leave prison possess and the many

invisible punishments and restrictions that they face may help to account for the limited effectiveness of many in-prison and postrelease employment programs.<sup>35</sup> Even so, evidence suggests that ex-prisoners who find employment, especially higher-quality work that includes a living wage and job security, have a lower risk of offending.<sup>36</sup>

#### *Challenge 4: Family Reunification*

Humans are social beings. For that reason, one of the most painful aspects of incarceration can be separation from family.<sup>37</sup> The bulk of inmates receive no visitation from family during incarceration. For example, in a study of Florida prisoners, William Bales and Daniel Mears found that 58 percent of released inmates experienced no visitation in the year prior to release.<sup>38</sup> Their study echoed that of others in showing that incarceration does not just deprive inmates of their liberty, it deprives them of the ability to maintain meaningful relationships with family. Even when visits occur, they can be infrequent and present a hardship for families, especially when they must travel a long distance, find child care, and take off time from work.<sup>39</sup>

Contact with family may occur through telephone calls and mail, but many inmates receive no calls or mail. Even when some contact occurs, the interactions can be strained and difficult. In this regard, those in prison do not differ appreciably from the rest of society. Without frequent contact, it can be difficult under the best of circumstances to maintain our ties and commitments to others. Accordingly, when prisoners—who clearly do not reside in the best of circumstances—return home, they can find that reentry to family holds more tension and challenges than they anticipated. Inmates typically express more optimism about their life chances upon release than is realistic.<sup>40</sup> The let-down can be considerable when they discover that family, including children, may be less than welcoming. It can be devastating to learn as well that they constitute a burden through their inability to find work or parent effectively.

One challenge for inmates involves their legal status as a parent. Many inmates have their parental rights terminated and, upon reentry back into society, must meet certain requirements—such as obtaining housing and having a source of income—to regain those rights.<sup>41</sup> In addition, ex-prisoners, especially those convicted of felony drug charges, may not be eligible for subsidized housing and, at the same time, face employment barriers that make it difficult to obtain a job and thereby help to demonstrate to the court that their rights should be restored.

Do such barriers matter? Research suggests that they do. Studies have found that “feelings of being welcome at home and the strength of interpersonal ties outside prison help predict postprison adjustment.”<sup>42</sup> Individuals who leave prison and remain with family have been found to be more likely to desist from offending.<sup>43</sup> Such benefits may be offset by residing in a high-crime area or returning to families who have drug problems or are actively involved in criminal activity.<sup>44</sup> Even so, they underscore the potential importance of developing ways to ensure that families maintain their ties with offenders during and after incarceration.<sup>45</sup>

*Challenge 5: Drug and Mental Health Treatment*

Estimates indicate that approximately half of state or federal prisoners meet the criteria for drug abuse or dependence and that they are five to twenty-four times more likely to suffer from a mental disorder.<sup>46</sup> Drug use and dependence is strongly correlated with recidivism, although the causal connection may not always be clear.<sup>47</sup> For example, among those who recidivate, many other problems, such as housing, employment, family conflict, and more, typically exist. Regardless, drug involvement clearly may contribute to offending and recidivism, and treatment can serve as a critical component of successful reentry. Many programs may not be especially effective. However, evaluations have found that some programs, especially those with a coherent intervention model and postrelease aftercare, can contribute to reduced drug use and addiction and to reduced recidivism.<sup>48</sup>

The challenge during reentry lies with continued treatment or with accessing treatment when relapse occurs. In many communities, few resources exist to meet the demand for drug treatment among ex-prisoners.<sup>49</sup> The same challenge arises with mental health services and treatment. Although few studies exist that document the precise magnitude in the gap between needed and available services and treatment, most reviews indicate that it is large.<sup>50</sup> In short, a perfect storm of sorts exists—large percentages of individuals leave prison with drug and mental health problems, but few will receive needed services and treatment. Many states and cities have recognized this problem and have sought to create networks that allow for continuity of care from in prison to the community, but they face considerable challenges.<sup>51</sup>

*Challenge 6: Welfare Benefits*

Changes in welfare laws and policies illustrate another invisible punishment that creates collateral consequences for ex-prisoners. Recent welfare restrictions imposed new barriers on felons, especially those convicted of drug crimes, by limiting their ability to obtain food stamps or housing assistance. As Chapter 2 discussed, this policy affected large swaths of the reentry population because much of the get-tough movement in American corrections in recent decades focused on increased criminal prosecution and incarceration of drug offenders. Welfare benefits historically had enabled some felons to pay for treatment programs.<sup>52</sup> Without them, then, treatment prospects for ex-prisoners have diminished. At the same time, welfare reforms have affected families by limiting the ability of released prisoners to live with those families who reside in public housing.

*Challenge 7: Supervision*

Surprisingly, the supervision of those released from prison may itself constitute a barrier to successful reentry. The more law enforcement-oriented focus of parole has led to increased revocations; indeed, revocations that result in a

return to prison constitute one of the primary drivers of mass incarceration.<sup>53</sup> The emphasis on revocations illustrates the punitive turn and the emphasis on deterrence as a seeming panacea to crime and reduced recidivism. Notably, studies do find that parole can reduce recidivism. On the whole, however, the literature on supervision effectiveness has produced mixed findings.<sup>54</sup>

The mixed findings likely reflect the complicated nature of supervision. Some parole officers may be, or may be perceived as, helpful to ex-prisoners in finding services, treatment, employment, housing, and the like. They also may hold ex-prisoners accountable. However, the reverse may be true as well. The officers may exercise excessive control, impose unreasonable burdens on ex-prisoners, and foster ambivalence and hostility among those supervised. As some scholars have argued, “When people ‘get out,’ they want to *be out*. Any compromise or half-measure, any ‘hoops’ or hassles places in their path, breeds resentment.”<sup>55</sup> In an era in which supervision increasingly has assumed a more punitive emphasis rather than a rehabilitative one, a greater potential exists for such effects and, in turn, increased recidivism.<sup>56</sup>

What about the effects of a lack of supervision or assistance? One irony of get-tough laws has been the release of individuals who serve their entire sentence in prison and so are released with no supervision. This is concerning both because these individuals present a risk to the community and because they likely need assistance and services to find housing, employment, treatment, and more. A lack of helpful supervision likely constitutes a better situation for released inmates than a release to a control-oriented form of supervision. The absence of the latter, however, constitutes a barrier to successful reentry in its own right.

## IMPLICATIONS OF REENTRY CHALLENGES FOR EX-PRISONERS AND FAMILIES AND COMMUNITIES

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The return of thousands of individuals from prisons back into communities each year has ripple effects on families and communities. When, for example, a barrier to successful reentry limits the ability of an ex-prisoner to find employment, families may be more at risk of homelessness and communities may be more at risk of experiencing higher unemployment rates and poverty. Below, we highlight these and other risks of imposing barriers to successful reentry and, conversely, failing to take steps to ensure that successful reentry occurs.

### *Implications of Reentry Challenges for Ex-Prisoners*

The punitive turn of recent decades has contributed to a range of unintended adverse outcomes: less civic engagement, homelessness, unemployment, less family involvement or support, continued or worse physical or mental health problems, continued or worse drug problems, difficulty obtaining educational or vocational training that would pave the way for gainful employment and civic engagement, more rather than less recidivism, and social stigma that can influence all of these outcomes, among others.<sup>57</sup>

Large bodies of research have provided convincing evidence of these adverse outcomes. To illustrate, studies have found that those who go to prison face a 10 percent to 30 percent wage penalty upon release.<sup>58</sup> Employers typically conduct criminal background checks and convicted felons under federal or state law cannot work in certain occupations, both of which greatly reduce job prospects for released prisoners. Similarly, studies indicate that inmates become less healthy over the course of their incarceration.<sup>59</sup> Typical health problems include a substantially higher prevalence of infectious diseases, including tuberculosis, hepatitis C, and HIV.<sup>60</sup> Not least, prison itself may be criminogenic and increase recidivism.<sup>61</sup> Difficulties during reentry then either may independently increase recidivism or amplify the criminogenic effects of incarceration.

No systematic empirical assessments exist on a state-by-state basis of these effects. Such an assessment, and monitoring of a wide range of reentry experiences and outcomes, would require a greater investment in data and research than what has occurred to date in most states. In some states or communities, beneficial effects may arise or adverse effects may be minimal, while in others substantially greater adverse effects may occur. What we are left with then is a body of theory and research that suggests that mass incarceration and reentry at best serve to incapacitate and punish but not, on average, to improve these outcomes. Indeed, they may worsen them.

### *Implications of Reentry Challenges for Families*

The individuals who go to prison do not, of course, come from unpopulated islands. Rather, prior to incarceration, they reside within social networks, such as families. Thus, as with any social network, when an individual leaves, ripple effects result, especially if the departure occurs suddenly. In a two-parent household, for example, the detention and then incarceration of one parent immediately creates repercussions. One person is left responsible for working, paying rent, buying groceries, getting children to school, arranging child care, and so on. These difficulties do not mean that punishment should never happen. It does mean that punishment without attention to its consequences may well leave society worse off rather than better off.

A simple example, from a case handled in a Federal District Court in Manhattan, illustrates this issue.<sup>62</sup> A single mother with five children pleads guilty to serving as a lookout for several men who rob a bank. Court testimony reveals that, under the mother's care, the children regularly attend school and have been performing quite well. If she goes to prison, the children likely will go to foster care. They may be separated from one another and the foster care may result in neglect or abuse of the children. Many foster care placements result in support, nurturance, love, and improved outcomes for children. But many do not and, indeed, may provide just the opposite. In the end, the judge sentences the mother to prison.

In this situation, the judge ultimately ignored the fact that the children may suffer and focused purely on the crime. A compelling argument exists for this decision. A serious crime occurred. Also, why should someone be punished more

leniently than someone who does not have children? At the same time, the potential harm to the children constitutes a very real prospect that ultimately may affect society.

Punishment practices would seem to require that the courts take that possibility into account. They do, in part. For example, although courts typically must focus primarily on the offense that occurred, they can weigh mitigating circumstances on a case-by-case basis. That practice itself, however, raises questions about fairness in sentencing. In addition, in an era of get-tough punishment, institutional pressures exist to limit consideration of mitigating factors.

In an ideal world, we would be able to devise punishments that achieved the various goals that we want for it—justice, retribution, and public safety, for example—and do so with minimal harm to society. If we achieve some of these goals but leave society less safe and increase homelessness, child abuse, or the like, then on balance we take a step backward. If it were a medical decision, and if the harms were sufficiently large, then the clear implication—following a “do no harm” edict—would be not to intervene. Or it would be to intervene in a way that would result in less harm. In the example of the mother who served as a lookout, we might consider a term of intensive probation. We may disagree about the precise sanction, but we can agree that we want sanctions not only to serve a retributive purpose but also to improve public safety and minimize the production of more social harm. Intensive probation might not be the answer, but a wide range of sanctions exist that might be more effective than prison and result in less harm to families.

If little basis existed to anticipate harms to families, this issue would be moot. A substantial body of work exists, however, that suggests that incarceration can harm families and that the return of ex-prisoners to families can be harmful. How?

While incarcerated, individuals can no longer provide much in the way of meaningful support for their families. For example, they can not provide financial support and they can not help to take care of children or dependents. Of course, many individuals who go to prison failed to offer such support prior to their incarceration. Others may have provided substantial support. In these cases, families are at risk in multiple ways. Caregivers may find that they can no longer work and simultaneously take care of their children or dependents. Alternatively, they may work longer hours and so have less time to care for or supervise them. The latter issue becomes especially problematic when children are involved because the loss of a parent or guardian may be traumatic and may contribute to acting out behaviors or a greater involvement in peer groups that engage in criminal activity. Estimates indicate that over half of inmates are parents, and approximately one-fourth have three or more children.<sup>63</sup>

Upon return to a family, many challenges can arise. If the family lives in public housing, then, depending on the type of crime for which the individual was convicted (e.g., a drug offense), he or she may not be able to live with the family.<sup>64</sup> This situation may benefit some children. However, research indicates that outcomes such as delinquency and educational attainment among children of incarcerated parents, and by extension outcomes among those whose parents can not return to live with them, worsen.<sup>65</sup> Homelessness, too, is more likely among children of incarcerated parents. It in turn makes family reunification



during reentry difficult.<sup>66</sup> Family dynamics are problematic as well given that many children will have been under the care of foster families and these arrangements may continue even after the parent has been released back into society.<sup>67</sup> If the parent does regain custody or seeks to become involved in the lives of his or her children, doing so can be difficult. The ex-prisoner may face considerable ambivalence from a child who is angry about the separation or who may not remember much about their parent.<sup>68</sup>

More broadly, any problems an individual has when they leave prison, including ones that may be caused by the prison experience itself, can affect families. When an inmate leaves prison with a drug abuse problem, this problem poses direct risks for his or her family. When he or she has a mental health problem that goes unaddressed, the result can be increased stress and strain for the families to which they return. When an inmate has learned attitudes and behaviors conducive to surviving in prison, they bring these with them back into their families in much the same way that soldiers may bring attitudes and behaviors necessary for surviving in war back home. Some returning prisoners and soldiers may adapt so that this problem does not arise, but it constitutes a challenge for many of them. Effective punishment and reentry practices ideally would minimize these harms or avoid them altogether.

### *Implications of Reentry Challenges for Communities*

As with families, the challenges of reentry have consequences for the community as well. One obvious risk is higher crime. When large numbers of a community's members go to prison, that can leave families at risk of homelessness and with fewer caretakers to look after children and teenagers. Here, again, exceptions certainly exist—in many cases, families will be better off without, say, an abusive adult who is drug-addicted and does not work. On the whole, however, the risk remains that communities spiral into decline or remain mired in disadvantage when large swaths of working-age individuals are taken away.

At the same time, when these individuals return to the communities from which they come, they may be more likely to recidivate and less likely to find gainful employment.<sup>69</sup> In addition, the higher levels of residential mobility associated with mass reentry can reduce trust and social capital in communities.<sup>70</sup> The end result? More crime and more social disadvantage occurs that becomes increasingly difficult to address. As Robert Sampson's work has highlighted, communities that experience concentrated social disadvantage typically cannot easily reverse course.<sup>71</sup> Indeed, any community confronted with the removal of sizable proportions of its residents—and with the return of these individuals after they have become less employable and potentially more prone to engage in crime—likely would face the risk of higher crime rates.<sup>72</sup> This creates a vicious cycle in which ex-prisoners engage in more crime, younger people may be less likely to view employment as a typical life event, families may face increased burdens without sufficient resources to offset them, and so on. Concerns about these types of harms stem from studies that have investigated the consequences of mass incarceration and prisoner reentry for particular communities.<sup>73</sup>

Such studies do not provide a definitive empirical portrait of reentry effects on communities. They do suggest, however, that reentry can directly and indirectly affect communities in multiple adverse ways. When unemployment rates and homelessness rise, for example, poverty increases, placing greater demands on social welfare programs and raising concerns about delinquency and the education, care, and well-being of children.<sup>74</sup> The removal and return of men may have implications for community demography such as family structures and marriage rates. Single ex-prisoners may be less likely to be viewed as marriageable, thus contributing to single-parent households that may face greater financial insecurity.<sup>75</sup>

In addition, mass incarceration and, by extension, reentry, can negatively affect ex-prisoners' and other citizens' perceptions of the legitimacy of the criminal justice system.<sup>76</sup> In predominantly African-American communities, there can exist significant mistrust of law enforcement and a belief that sentencing laws, and the enforcement of these laws, unfairly target minorities. For minority communities, then, reentry may amplify such mistrust and concern.<sup>77</sup>

Not least, the disenfranchisement of felons can result in the disenfranchisement of entire communities. Sasha Abramsky documented one account, for example, of a politician who stated that there were some precincts where campaigning made little sense because few individuals in them could vote.<sup>78</sup> Jeff Manza and Christopher Uggen undertook a study that suggested that some U.S. senate races, as well as the 2000 presidential election, may have been affected by the fact that many individuals with a criminal conviction could not vote.<sup>79</sup> As they suggested, the effects of reentry processes and policies, including invisible punishments, do not involve only the right to vote. They influence, too, the very nature of American citizenship. Specifically, "people who are under no form of community supervision but cannot by law serve in the military, vote, own a firearm, sit on a jury, drive a car, receive governmental benefits, or work in numerous professions are no longer full citizens."<sup>80</sup> By extension, neither are the families and members of communities to which these individuals belong.

## CONCLUSION

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In this chapter, we sought to highlight ways in which prisoner reentry constitutes a process, one that would challenge even law-abiding citizens who have plenty of resources at their disposal. Individuals who go to prison operate with a number of deficits, including poor work histories, a history of drug abuse, and residence in areas of concentrated disadvantage. In prison they may have had minimal opportunities to engage in rehabilitative programming and considerable exposure to violence and abuse. And they may return to families and communities with few assets or resources to assist them and to a range of barriers and invisible punishments that may impede success, whether that be defined as finding a job or housing, refraining from criminal activity, or adversely affecting some other life outcome.

Historically, parole involved a supervision emphasis and a social service emphasis that would serve broadly to facilitate successful returns back into society. In recent decades, however, many individuals leave prison with no

oversight from the correctional system. Among those placed under some type of community supervision, the primary emphasis has shifted to supervision. There is, then, little to no attention accorded to treatment or rehabilitation or to providing social service assistance or linkages.

The end result for society? We invest heavily in placing people in prison and, on balance, likely end up no better off or perhaps even worse off. No doubt, there likely were reductions in crime during the ascendance of mass incarceration.<sup>81</sup> There is little evidence, however, that sustained record-level incarceration rates continued to provide this benefit or do so today. There is little evidence, too, that prison provides specific deterrent or rehabilitative benefits. At the same time, studies suggest that incarceration worsens recidivism or has no effect. They suggest that removing large swaths of young adult populations from communities and returning them to these communities after prison may result in more harm than good, whether through increased crime, lower employment rates, increased family dysfunction, or other adverse social outcomes.<sup>82</sup> There is the concern, then, that the process of reentry and an attendant array of invisible punishments largely preclude desistance, employment, and stable housing for all but a relatively small percentage of those who leave prison.

Against that backdrop, we close by making several observations that return us to the book's goals and its overarching arguments. First, as we have argued at the outset, substantially improving reentry outcomes requires understanding the reentry process and doing so from different perspectives. One such perspective, detailed in this chapter, involves examining the process of reentry and the challenges that attend to it. When we view reentry as a process that builds on pre-prison and in-prison experiences, one that involves encountering a range of barriers and invisible punishments, we can easily see how prison may be criminogenic and adversely affect the lives of ex-prisoner families and communities. Second, and in anticipation of the next chapter, we can see, too, that risk prediction likely would benefit from including information about what happens to individuals during reentry. The challenges individuals face during reentry may themselves be criminogenic. They increase the risk of offending again, resulting in more victimization and more costs to society. Accordingly, improvements in risk prediction, and in intervening effectively so as to reduce that risk, may come from developing database systems that monitor postrelease experiences and the contexts to which individuals return. Such improvements would allow for analyses that could result in real-time adjustments in supervision and assistance that might prevent recidivism.<sup>83</sup>

Third, when we examine reentry as a process, it implicates families and communities. By and large, most individuals who leave prison return to their families and home communities. They can be a threat or burden to these families and communities. They may be more likely to offend, less likely to work, and may end up homeless or mired in drug addiction that precludes any type of positive trajectory for themselves or others. And, of course, released offenders return to the areas where they victimized others. These victims have a fundamental stake in criminal justice sanctions and the consequences of these sanctions.

Fourth, these insights highlight the importance of developing an on-the-ground understanding of reentry processes and their impacts. What are the experiences of ex-prisoners in particular locales? What are the experiences of

families and communities who receive the most ex-prisoners? What services exist to help these different groups? What services most help and do so for the least cost? Scholarly research on the causes of offending nationally or in any given state will provide little help in answering such questions. Rather, what we need is research infrastructure at the local level that enables criminal justice officials and practitioners to tap into the views and insights of ex-prisoners and their families as well as members of the community and those who seek to improve outcomes for these different groups.

Fifth, as we discuss in Chapter 9, opportunities exist to improve this situation. These opportunities include developing laws that restrict incarceration to those situations where it can best and most cost-effectively achieve such goals as retribution and public safety. They include, too, developing reentry supervision and support that targets not only those who leave prison but also those who may be affected by these individuals. We cannot simply identify high-risk ex-prisoners, place them under intensive supervision, and expect much in return. Doing so will do little to nothing to address the range of barriers and challenges that make up the reentry experience. Few of us want costly and complicated policy approaches. In the end, though, a more nuanced approach to sanctioning and to improving reentry likely can result in less expense and greater public safety and quality-of-life returns for society.

## DISCUSSION QUESTIONS

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1. How is the concept of reentry different from the concept of reintegration?
2. In what ways are the reentry experiences of ex-prisoners similar to those of soldiers?
3. What is the process of reentry and what makes it challenging?
4. What is the logic of imposing invisible punishments on convicted felons, and what are the consequences of these punishments?
5. Which of the many reentry challenges that ex-prisoners face seem most likely to contribute to increased offending rather than desistance? Which ones seem most amenable to policy intervention in ways that would improve rather than worsen reentry outcomes?
6. How does reentry affect families and communities?