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Contributing Factors to Mass Incarceration and Recidivism

Abstract

The United States has been historically known for having the most incarcerated individuals in its country. Approximately 2.3 million adults can be found under some type of penal control. Since the 1960s, the number of incarcerated individuals can be attributed to decades of tough on crime policies, controversial police practices, and racism. Mass incarceration has raised significant social justice issues, especially since it has been heavily concentrated on poor, uneducated African American men. Moreover, recidivism rates in the United States are at an all time high with over 76.6% of offenders reoffending and returning to prison (National Institute of Justice, 2014). Many of these ex-offenders find themselves unemployed and uneducated, putting them higher at risk for recidivism. This paper will show how contributing factors like race and socioeconomic disparities contribute to mass incarceration and recidivism rates. Additionally, this paper will present an alternative program that aims to reduce overall recidivism rates across prisons and communities.

Keywords

mass incarceration, race, recidivism, education

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Abstract

The United States has been historically known for having the most incarcerated individuals in its country. Approximately 2.3 million adults can be found under some type of penal control. Since the 1960s, the number of incarcerated individuals can be attributed to decades of tough on crime policies, controversial police practices, and racism. Mass incarceration has raised significant social justice issues, especially since it has been heavily concentrated on poor, uneducated Black men. Moreover, recidivism rates in the United States are at an all-time high with over 76.6% of offenders reoffending and returning to prison (National Institute of Justice, 2014). Many of these ex-offenders find themselves unemployed and uneducated, putting them higher at risk for recidivism. This paper will show how contributing factors like race and socioeconomic disparities contribute to mass incarceration and recidivism rates. Additionally, this paper will present an alternative program that aims to reduce overall recidivism rates across prisons and communities.

Introduction

The United States holds a commanding place in the world for its military and economic power. Its openness and liberty attracts many people from all over the world, making it one of, if not the most, diverse country in the world. Despite these accomplishments, the U.S. also holds the highest population rate of incarcerated people in the world. Although the U.S. holds only 4% of the world's population, it makes up more than 22% of incarcerated individuals. According to the United States Bureau of Justice (BJS), approximately 2.3 million adults are incarcerated at the federal, state, or local level.

Not only that, the U.S. also has the highest recidivism rate in the world with over 76.6% of released prisoners being rearrested (National Institute of Justice, 2014). Historically, the U.S. has been extremely punitive with its penal policies, especially during the 1960s and 1980s. Mandatory minimum sentencing, police practices, and harsher laws have contributed to the rise of the term known as mass incarceration. Furthermore, this punitiveness has caused the criminal justice system to focus not on the rehabilitation of offenders, but instead focus on the containment and control of power over incarcerated individuals. The most pressing issue however, is that most of the individuals incarcerated are minorities, mostly Blacks, who usually come from low income, high crime areas. It is crucial to look into this issue because the U.S. prison populations are continuing to increase. Many individuals want to address this issue yet, need to know how they should approach it. Several studies have determined that severe race and socioeconomic factors contribute to incarceration rates. Several factors contribute to recidivism and incarceration—for example, poor education, unemployment,

racial disparities. By looking at these factors, one can see how to effectively address the social issue that is mass incarceration. The objective of this research paper is to examine the relationship between race and socioeconomic disparities of individuals and their likelihood of becoming incarcerated or recidivating.

Literature Review

Race and Mass Incarceration

Since the 1960s, the number of individuals in prison has significantly increased. During the era known as the War on Drugs, many people began to be incarcerated for various drug charges. The criminal justice system began to establish more punitive punishments and shifted towards being a punisher instead of a rehabilitator. Consequently, of those individuals incarcerated the disproportionate majority were Black or Hispanic men. After offenders serve their time and are released back into society, several studies show a significant relationship between certain races and their risk of recidivism and incarceration. In Jung's study, Black men had a recidivism rate of over 65% compared to their white counterparts who had a recidivism rate of 47.6% (2010). In addition, these men were most likely to recidivate at a faster rate compared to whites.

Furthermore, most of those individuals who returned into the prison population had a criminal history of non-felony or drug charges. It is important to note this for the reason that some offenders with drug charges are also addicts, so the possibility for them to return to the prison system is significantly higher than those who are not substance abusers. Interestingly, Hispanic men had rearrest rates and reconviction rates similar to their white counterparts; however, they had the same recidivism rates as Black men (Langan & Levin, 2002). White men who were

released from jail were less likely to return back to jail or be rearrested (Wehrman, 2011). In addition, white men did significantly better in rehabilitation programs than their counterparts.

Blacks, historically, have overrepresented the prison population and it is important to examine why. One way to examine this relationship is by looking at how different attitudes about harsh punishments are when it comes to race in U.S. courtrooms. The criminal justice system works on a system of juries or individuals from society who determined your criminal fate. Various studies demonstrate that the race of both the victim and the offender in a criminal case significantly impact the determination of death opposed to life in prison. Since Blacks are exposed more to the harsh penal system, they are more likely to be less harsh when it comes to jury decisions. Likewise, they are less likely to be as punitive towards defendants regardless if they are Black or white (Costelloe et al., 2017).

In contrast, white individuals are found to be more punitive towards defendants and more likely to favor harsher punishments. These results show how both groups are more likely to base opinions off stereotypes and bias. In Costelloe and colleagues' (2017) study, racial prejudice between whites and Blacks produced a significant relationship with attitudes towards punitiveness. He concluded that racial bias and stereotypes correlated with the level of severity for punishments, racial prejudice on part of whites, and perceived injustice by Blacks.

Jim Crow Racism to Modern Racism

Another reason that may explain the racial disparity in the U.S. incarcerated population is the presence of stigmas and implicit bias against Blacks. These associations date back to the civil right movements and various social movements in the late

1950s and through the 1990s. Various law enforcement officials and southern governors started developing harsh tactics and punishments in order to suppress several civil rights movements. Several, if not all, civil rights gatherings and protests were seen as criminal instead of political. Lawmakers in several states started to re-write and criminalize several actions like possessing certain types of weapons or public intoxication (Western & Pettit, 2010). Many of these policies were created primarily to target Blacks and minorities in an effort to suppress various social movements during this time. The media at the time also labeled social groups, such as the Black Panther Party, as criminals, thugs, and deviants.

Presidential candidates, like Barry Goldwater, even produced political ads exploiting the riots and crimes of Blacks in an attempt to lay the foundation for the “get tough on crime” movement. The War on Drugs campaign depicted many Blacks as drug dealers and crackheads. Most importantly, many of these policies during this era targeted low-income communities that were mostly Black. These types of videos, speeches, and rhetoric laid the foundation for stereotypes and prejudice against Blacks. Understanding this particular shift of view is crucial in understanding how mass incarceration occurred. Racism in the United States had now developed a face known as Laissez Faire racism or colorblind racism.

The shift in criminalizing Blacks is seen by Tuch and Martin (1997) as a shift from Jim Crow racism to Laissez Faire racism. This racism involves negatively stereotyping Blacks and blaming them for their own economic and social disparities. It also includes not making favorable policy in social conditions and institutions. In other words, society allowed Blacks to try to reach for opportunities, but the system is designed to make it

extremely difficult for them to do so. One way in which society makes it more difficult is by developing policies and laws like “tough on crime” tactics aimed to reduce crime. Furthermore, this racism has caused the development of several “colorblind” laws that target minority populations indirectly.

An example of this can be seen in Schlesinger’s (2008) study in which he argues that mandatory terms and sentencing enhancements has led to mass racialized incarceration. A significant portion of the studies focused on sentencing and downwards departure. Downward departure is when the sentencing judge can impose a lower sentence than the statutory minimum based on factors such as mental capacity, immaturity, or criminal role. This makes the crime less serious than the general crime listed in the original sentencing guidelines. Studies found that court actors in southern states such as Florida, are more likely to favor whites over Blacks when it comes to habitual offender sentencing even when the legal characteristics are similar. Correspondingly, whites were most likely to benefit from downward departures than Blacks and Hispanics (Engen et al., 2003). Blacks are also more likely to be convicted for all drug offenses while whites are not (Schlesinger, 2008). Overall, these conclusions notably aid in supporting that there is a significant relationship between race and mass incarceration.

Socioeconomic Disparities and Incarceration

Another significant factor that needs to be addressed is the socioeconomic disparities that are present in the incarceration system and its effects on first offenders and recidivism. Several studies have shown that race also plays a factor when it comes to socioeconomic status and the likelihood of incarceration and the recidivism rate. For example, Black men throughout history have notably been measured to have a significant wage differences in

the labor force to white men since the 1950s (Western & Pettit, 2005). Factors like labor and wage, neighborhood, and education differences have a significant impact on predicting incarceration and recidivism.

Mass incarceration has significantly affected the opportunity for employment for several first time and repeat offenders, specifically Blacks. As the incarceration rate continued to rise, so did the unemployment rate in the United States. The relationship between the unemployment rate and prison growth can be interpreted in several different ways. Western's (2002) study argues that men with lower economic opportunities would most likely turn to crime as means of achieving what they want in life. This decision causes a disruption in their life course that will most likely land them in the prison system. Additionally, Western's study finds that poor Black men who enter the criminal justice system have a significantly higher chance of earning lower wages in the labor system (Western, 2002). This is most likely explained as a result of the stigma that attaches to those who are imprisoned for crimes. Employers are extremely hesitant in employing people with criminal records. Consequently, someone with a criminal record is less likely to be hired than someone without a criminal record. This is significant because it further decreases the opportunity for ex-offenders to reenter and resume their "life course" causes them to fall back into the prison system. Additionally, ex-offenders are returning to the same neighborhoods they came from, which can be an issue if employment opportunities are already limited.

Notably, a majority of incarcerated individuals are low skilled Black men, and this is reflected in wage disparities and rates of unemployment. Incarceration notably impacts the wage

growth at the individual level, increasing the wage inequality gap between whites and Blacks. Other studies, like Western and Pettit's (2010), argues that most parolees return to the prison system because they are largely uneducated, unskilled, and have low family support. Reversibly, these factors also correlate to the likelihood of them entering the criminal justice system.

Incarceration also breaks down job skills that many may have had. Time in prison takes away time from employment and acquisition of labor skills (Western 2002). Since they cannot continue to advance their skills while in prison, several employers will be unwilling to invest in unskilled workers with criminal records, thus ex-offenders are bound to low wage blue-collar jobs and wages. Incarceration likelihood and recidivism play a significant role in the education of offenders.

Neighborhoods and Incarceration/Recidivism Rates

Neighborhood environmental context has been found to influence the behavior of those that reside in that neighborhood. The social organization of neighborhoods, specifically poor ones, have a significant impact on the level of crime and recidivism rate in that particular neighborhood. According to Kubrin and Stewart's (2006) study, when offenders are released back into their neighborhoods, they seek resources in their neighborhood to successfully integrate back into society; however, when that is not present the probability of them returning to the criminal justice system is significantly higher. Moreover, when individuals in neighborhoods have high rates of crime, poverty, and high social disorganization, the risk of youth falling into the criminal justice system also increases. Harris's (2010) study finds that Blacks who find themselves in these neighborhoods are at a higher risk to become incarcerated than whites.

In addition, socioeconomic disparities between Blacks and whites make it more difficult for Blacks to access resources once they are in the criminal justice system, making them susceptible to recidivism. Typically, offenders return to their neighborhoods with little to no money, the clothes on their back, and no employment. When they are returning to a neighborhood that has those same characteristics (high unemployment, poverty, etc.), there is a considerable likelihood of reoffending (Stahler et al., 2013). Overall, many studies show a significant relationship between mass incarceration and neighborhood environment.

Education and Incarceration/Recidivism Rate

Education level plays a significant role in whether someone will enter the criminal justice system. Typically, individuals entering the criminal justice system are usually in their twenties; however, Black men remain at risk up to their thirties (Pettit & Western, 2004). In addition, of those entering prison for the first time, most are Black high-school dropouts or with little to no college education (Berg & Huebner, 2011). Most importantly to note, 30% of African-American men and nearly 60% of high school dropouts entered the incarceration system by 1999 (Pettit & Western, 2004). Black men were more likely to be found in prison than in the military service or at a college or university. Low education individuals are also most likely to engage in crime as well. This is because their set of labor and intellectual skills are not at the level that most employers seek, so their possibilities of employment significantly reduce. However, when it comes to race, uneducated young Black men are eight times more likely to go to prison than their white counterparts are (Andrews, 2010). Factors like education serve to show that the United States has a significant division in the lives of Black and white men.

Policy Implication

It is evident that there needs to be much needed change in to the criminal justice system of the United States. Poor Black men are being incarcerated at a disproportionate rate and many are being released, only to find themselves being reintegrated back in the criminal justice system. Many find that they do not have the necessary support, resources, or financial ways to be able to survive out in the real world (Phelps 2011). Many who have been incarcerated for years feel lost and confused since time had stopped when they were incarcerated. Now they have to reintegrate themselves into a society that is completely new to them. Many ex-offenders cannot hold down steady jobs and thus find themselves homeless or severely depressed to the point where they may commit suicide and often turn to bad habits like substance abuse. Former prison inmates have a higher risk for death particularly during the first two weeks (Binswanger et.al, 2007). Mentorship has been a huge success in many areas of society, whether it is work environments, schools, or after-school programs. Many have benefited from having someone to guide them through difficult times, and released prisoners are simply another group of individuals who are going through a difficult time.

One way to address the recidivism and incarceration rate is by creating a unified mentorship program in prisons called *Second Chance*, which mentors and aids released non-violent prisoners in reintegrating back into society. The goal of these programs will be to aid individuals in helping them become valuable members of society through mentorship and guidance. These programs would consist of parole officers and social workers who will dedicate themselves to teaching and mentoring a group of released men for the first year of their release. These

individuals will focus on making sure their mentees are actively trying to search for jobs, attending rehabilitation (if needed), and not falling into trouble. Parole officers and social workers will help their mentees in searching for those things, along with giving them advice on life choices, educational goals, and work ambitions. Some significant changes to the parole system require a reallocation of funding rather than excess funding. In addition, various non-profit organizations who have already started their own type of reintegration program could help aid this cause. Parole and probation officers will no longer be controlling and exercising power over released prisoners, but instead will be providing them with the support system that they need. At the end of every year, prisons will provide a report to the United States Bureau of Justice that provides the percentage of recidivism within the program, if any, in order to measure the rate of success. Additionally these programs may serve as a revelation to many lawmakers as to who, racially and economically, makes up most of incarcerated individuals and hopefully may spark some intervention on the legislative side to address mass incarceration as a whole.

Society needs to understand that the criminal justice system is broken and needs improvement in several areas, specifically on reentry into society after release. Without addressing the integration of offenders, crime will continue in neighborhoods and the incarceration rate will continue to increase. Many of the prisoners being released back into society are non-violent offenders who have been incarcerated for years. Many do not know what an iPhone is or what most of technology is, so they feel like they were left back in time while the whole world continued to move forward. Some of them were incarcerated at a young age, so they do not have the same life

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course as a regular citizen. These individuals do not know how to have or manage bank accounts, use a credit card, or even know how to pay basic bills. Of course, these individuals committed acts that were deviant to our society, but it is imperative that society sees the lesser of the two evils. Aiding in reintegration, will lead to positive reinforcement to released prisoners, which in return will help society become a better and safer place.

Conclusion

Overall, the incarceration system has significantly affected and disadvantaged several Blacks. Throughout history, it is evident that the criminal justice system has been specifically punitive against poor uneducated minorities. Although the incarceration rate has lowered in some states, many other states still have severe rates of incarceration rates and even higher rates of recidivism. Racial and economic disparities have played a significant role in the makeup of the prison population and the rate of recidivism. Society and the government system need to consider how mass incarceration has affected the U.S. economy, census, and elections. Many individuals who have a criminal record are stripped from several services that could have aided them in reintegrating once they were released from prison.

Many prisoners and ex-offenders are being shunned away from society, which only leads them to continue on their path for criminal behavior. Programs that aim to eliminate stigma on race, gender, and status should become a vital issue when dealing with reintegration. Mentorship and guidance by trained individuals can help many displaced ex-offenders find their path in life. Not only that, but law enforcement tactics and policies need to be revised in order to better aid these programs and make them more successful. By addressing these issues,

society can finally begin to bring change to our criminal justice system.

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Nayely Esparza Flores will graduate with her bachelor's degree in Justice Studies from San Jose State University in 2018. She is an active member of the Air Force Reserve Officer Training Corps and will be commissioned as a Second Lieutenant after graduation. Her research interests include mass incarceration, immigration, and victimology. After graduation, she will be heading to Langley AFB, Virginia where she will work as a logistics officer for the 440th Support Chain Operations Squadron. She plans to continue her military career, attend law school, and eventually become a member of the Air Force Judge Advocate General Corps. During her spare time, she enjoys reading, going out on hikes, and trying new food places. Nayely credits her parents for always supporting her interests and encouraging her academic and career goals.